



DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 29th August 2007

Contents Sheet

Item	Page	App No	Site Address	Proposal	Recommendation
1.	1	07/1287/OL/W7	SITE CORNER OF ALMA STREET AND GREEN LANE, WALSALL	Outline Application for the erection of two buildings comprising three industrial units totalling 1672 square metres (Use Class B1 (b), B1 (c), B2 and B8 uses) and ancillary trade counter together with associated access, car parking and associated works	Grant Permission subject to conditions
2.	10	07/0275/FL/W2	ROWLEY VIEW, MARGARET ROAD JUNCTION, MOXLEY, WALSALL	Erection of 13 houses and 1 apartment block with 24 flats	Grant Subject to Conditions and a Planning Obligation
3.	27	07/0556/FL/E9	20-22 QUEENS ROAD, WALSALL	Erection of 7 detached five bedroom houses	Grant Permission Subject to Conditions
4.	39	07/0901/FL/W7	22 WINDSOR HOUSE, VICARAGE PLACE, WALSALL	Erection of 12 new apartments and associated works following the demolition of existing buildings	Grant Permission Subject to Conditions and a Planning Obligation
5.	48	07/1011/FL/E11	STREETLY CEMETERY & CREMATORIUM, LITTLE HARDWICK ROAD, WALSALL	Extension to existing cemetery to provide additional land for interments and extension to existing	Grant Permission Subject to Conditions

				access road, with landscaping and enhancement of hedge and tree boundary	
6.	55	07/1395/FL/E10	STREETLY SPORTS CLUB, BRIAR AVENUE, WALSALL	Vary Condition 5 of Planning Approval 05/1342/FL/E3 to allow the floodlights surrounding the Bowling Green to be operated between the hours of 18.00 and 22.00 Tuesdays, Wednesdays, Thursdays and Fridays between April and September	Grant Permission Subject to Conditions
7.	60	07/1694/OL/E11	GOSCOTE HOSPITAL, GOSCOTE LANE	Outline: Demolition of existing hospital buildings and redevelopment to provide new health and social care buildings to include Dementia and Palliative Care Units together with access, associated hard and soft landscaping	Grant Permission Subject to conditions
8	76	07/1463/FL/E6	REAR OF 203/205 FOLEY ROAD WEST, STREETLY	Two Storey Detached Dwelling	Grant Subject to Conditions
9	86	07/1264/RM/W5	THE WATERGLADE P.H., ROSE HILL, WALSALL	Proposed Residential Development Comprising 7 no. houses & 16 No Apartments & Associated Works	Approve Reserved Matters with Conditions



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 29 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/1287/OL/W7
Application Type: Outline Application

Case Officer: Andrew Thompson
Telephone Number: 01922
652403

Applicant: Mr. Hackett

Agent:

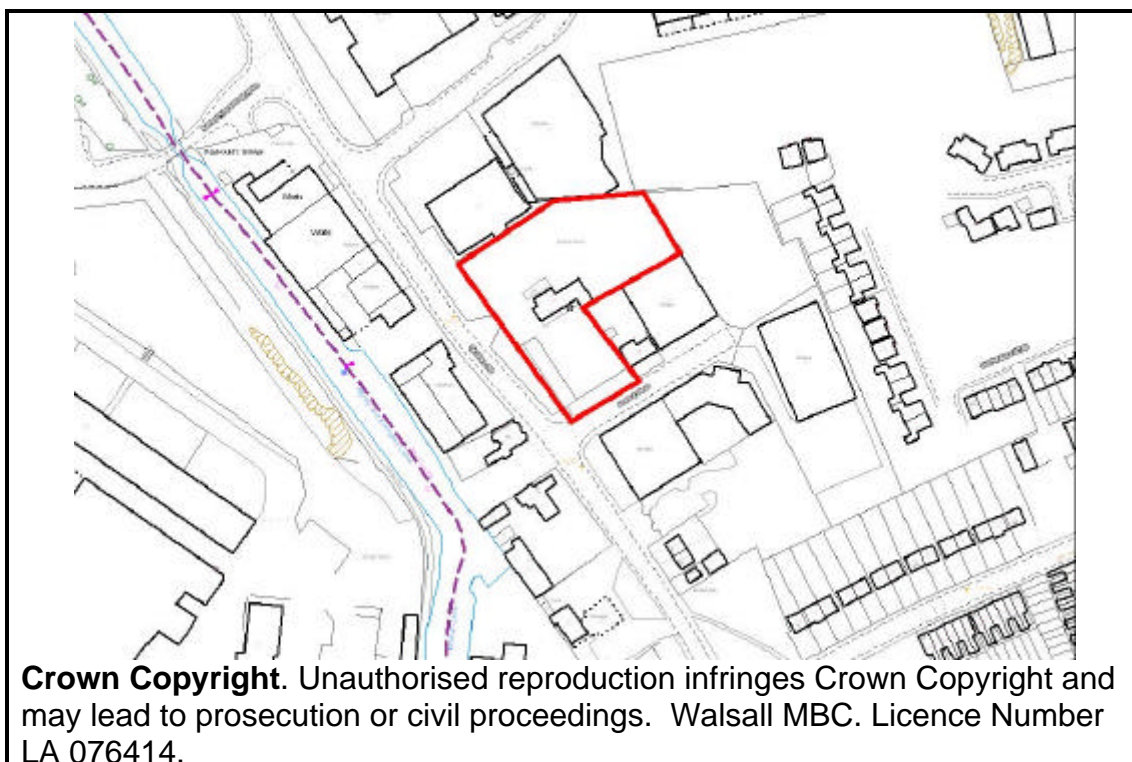
Proposal: Outline Application for the erection of two buildings comprising three industrial units totalling 1672 square metres (Use Class B1 (b), B1 (c), B2 and B8 uses) and ancillary trade counter together with associated access, car parking and associated works.

Location: SITE CORNER
OF,ALMA STREET AND GREEN
LANE,WALSALL,

Ward: Birchills Leamore

Expired: 09/08/2007

Recommendation Summary: Grant Subject to conditions



Application and Site Details

The application site is located on the corner of Alma Street and Green Lane on the site formerly occupied by Griffiths Metals, opposite the Metafin factory and adjacent to a dwelling, 1 Alma Street, which appears to be related to the adjacent factory occupied by J. Lawrence, metal merchants. The only building left on the application site is a single storey building which is vacant. The site is surrounded by 2.5m high brick walls. The Green Lane frontage of the site is highway verge which contains a 48sheet advert hoarding. To the rear of the site is the Hospital Street residential development which is nearing completion.

The proposals are in outline with siting, scale and access considered at this stage. The application comprises a total of 1672 square metres (gross floor area) of industrial and commercial development (B1(b), (c), B2 and B8) and including a trade counter use of 10%.

The development would be in three units located on the north west and south west of the site, comprising one large detached unit (Unit 1, totalling 1114 square metres) and two smaller units (Units 2 and 3) comprising 279 square metres each.

The proposals incorporate 31 car parking spaces (1 space per 54 square metres) arranged around the site and the principal service area for Unit 1 is located on the north east portion of the site.

Relevant Planning History

None relevant

Relevant Planning Policy Summary (*Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website*)

Adopted Unitary Development Plan

The site is located within a Core Employment Area (Policy JP1) where industrial and commercial developments are encouraged. Offices and high traffic generating businesses are discouraged in favour of town centre sites. High quality design and layouts should be progressed in accordance with Policy Env32 and the opportunity for high quality landscaping should be considered in accordance with Policy Env33. Policy Env10 is relevant in terms of noise and disturbance to nearby residential properties.

Regional Spatial Strategy for the West Midlands (RSS11)

Policies PA1, PA2, PA5, PA6 and QE3 seek to ensure that urban regeneration is achieved and that jobs and prosperity are provided for all aspects of the community. In addition high quality design is sought for all developments.

National Policy

PPS1 and PPG4 seek to establish high quality design and retain the importance of the employment land and seek to ensure industrial and commercial development are appropriately located and safeguarded.

Consultations

Transportation - No objections to the proposals subject to conditions requiring the turning and manoeuvring area to be kept clear of open storage, skips parked cars etc and that the use of the large unit is restricted to B2 or B8 (not B1 at all) and is not sub-divided without further approvals.

Pollution Control – No objections subject to conditions

Fire Service – Satisfactory fire access

National Grid – Negligible risk to the gas transmission network.

Centro – No objection subject to the developer entering into a Travel Plan

Seven Trent – No objection subject to a condition on drainage details.

Highways Agency – No objection

Drainage – No objection

Public Participation Responses

None received

Determining Issues

- Planning Policy considerations
- Impact of the scale on street scene and character of the area
- Impact on 1 Alma Street
- Layout considerations
- Car parking provision
- Access considerations

Observations

Planning Policy considerations

The site is located within the Core Employment area at Green Lane and as such is allocated for commercial and industrial development. The area is a major concentration of industrial uses and policy seeks to ensure that these areas are retained for such.

The proposals are in accordance with the policy objectives and would have the potential to create and develop commercial and industrial jobs. As stated above the proposals include 10% trade counter use. The element of trade counter use is ancillary to the main use and therefore, subject to satisfactory safeguarding conditions restricting the amount of floorspace for such a use,

officers consider that this element is acceptable in planning policy terms, in particular policy JP1.

Impact of the scale on street scene and character of the area

The built form of the proposals is in two parts, the large single unit of Unit 1 and the two small smaller attached units (Units 2 and 3).

Unit 1 is shown as being approximately 42.5m by 25m, approximately 1,125sqm (12,000sqft). The proposals would be seen against the bulk and mass of neighbouring industrial properties and the industrial character of the area. The proposed height of the building would be 8m in total.

Units 2 and 3 are shown as approximately 28m by 19m totalling approximately 578sqm (6,000sqft) in total. The building would be subdivided into two units. The proposed building would be 9.1m in height.

Both buildings are similar in scale and proportion to other buildings in the surrounding area. The design of the buildings is a reserved matter, however the expectation and indication is that the buildings will be a simple but satisfactory industrial design in keeping with the character of the area, with active frontages to Green Lane.

Impact on 1 Alma Street

The application site has been historically used for metal recycling and recovery together with a large outdoor service area. As such the industrial nature of the site is well established and the impact of the new development on 1 Alma Street a non-conforming residential use should be considered accordingly.

In terms of the built form, it is considered that Unit 1 would not cause material harm to 1 Alma Street. The built form of the proposed Units 2 and 3 would impinge on the 45degree angle on the first floor bedroom window closest to the application site by approximately a metre, however considering the relationship of 1 Alma Street to the existing industrial units on Alma Street and the relative bulk and mass of the proposals, it is not considered that the proposals would form an inappropriate or negative relationship with the neighbouring residential property.

In terms of noise and disturbance generated by delivery vehicles and traffic movements, the previous industrial use is noted. Nonetheless it is considered appropriate to restrict outdoor storage and to request internal noise attenuation to reduce the impact on 1 Alma Street.

As such it is considered that subject to safeguarding conditions, the scheme would not have an adverse impact on 1 Alma Street.

Layout considerations

It is considered that the layout of the proposals would allow for modern industrial premises to operate. The level of car parking is appropriate and the

service areas would allow for large and small vehicles to enter and leave the site accordingly. The proposals include the opportunity for reasonable landscaping and for cycle and car parking storage to work in conjunction with each other. The layout also makes provision for disabled car parking. A gentle ramp would allow for access to the main service area to the north east of the site.

Car parking provision

Transportation Officers note that the amount of car parking proposed is 31 spaces and the maximum amount sought by Unitary Development Plan standards would be 55 spaces should the unit be occupied solely by a company for use B1(b) or B1(c) uses (research and development or light industrial processes). Due to this shortfall, Transportation Officers recommend that the use of the larger unit therefore be restricted to B2 and B8 uses only.

It is considered that restricting the use of the large unit solely to B2 and B8 would harm the overall concept and viability of the proposals unnecessarily. The site is on a primary arterial route to the town centre and is served by public transport, in addition to being located within walking distance of residential developments. It is therefore considered that the “under provision” of car parking would be in accordance with the objectives of promoting more sustainable use of transport and seeking the maximum level of car parking would be inappropriate in this instance.

Access considerations

The access remains unaltered from the previous use. It is considered that the layout and access arrangements would be satisfactory for large vehicles to safely enter and exit the site. There would be no impact on highway land. The existing gates would be replaced as part of the proposals.

Recommendation: Grant Subject to conditions

1. a) Application for approval of the Reserved Matters shall be made not later than the expiration of 3 years beginning with the date of this permission.

b) The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the Reserved Matters application, or the last Reserved Matters approval.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

2. This development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- a) The external appearance
- b) The landscaping of the site

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

3. The permitted development shall meet the 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, unless otherwise agreed with the local planning authority. Details submitted in accordance with Condition 2 [the reserved matters], shall include details of eco friendly measures to be incorporated within the construction of the building. These shall be approved in writing by the Local Planning authority and provided prior to occupation and retained at all times in the future in accordance with details approved. These measures should address the following: a scheme for rainwater harvesting for reuse as part of the day to day functions of the building and landscaping maintenance within the design of the permitted development. Details of rainwater discharge, details of a solar/photovoltaic system and/or micro wind energy system on the roof.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan and PPS1 in terms of sustainable development and use of natural resources.

4. Prior to the commencement of development drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

5. No development shall be carried out until full details of the proposed boundary treatment of the site (including the boundary treatment to the proposed water features and roof terraces) have been approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

6. This development shall not be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

7. Prior to the commencement of development the details and locations of cycle stores and bin stores shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development.

Reason: To ensure the satisfactory appearance of the development.

8. No external lighting shall be included on the development until a scheme for external lighting has been submitted to and approved by the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

Reason : To safeguard the amenities of the occupiers of adjoining premises and highway safety.

9. Before this development is brought into use, the access ways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in a suitable impervious hardwearing material to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces are to be clearly marked out.

Reason: To ensure the satisfactory functioning of the development.

10 Unless otherwise agreed in writing by the Local Planning Authority:

a) The proposed building shown on the approved plans as Unit 1 shall not exceed 45metres in length, 25metres in width and 8metres in height nor exceed 1114sqm (12,000sqft) gross external floorspace.

b) The proposed building shown on the approved plans as containing Units 2 and 3 shall not exceed 30metres in length, 20metres in width and 9.5metres in height nor exceed 1114sqm (12,000sqft) gross external floorspace.

Reason: In order to define the permission

11. Prior to the commencement of development the applicant shall submit to and agree in writing with the Local Planning Authority a Travel Plan, including measures taken to promote sustainable travel to and from the development. The approved Travel Plan shall be implemented in accordance with the approved details.

Reason: In order to promote the use of alternative modes of transport.

12. Prior to built development commencing details of remedial measures, including where appropriate any additional site investigation and risk assessment, to be implemented to address the hazards of any land contamination and/or landfill gas present identified in report reference "Ground Investigation Specialists Report No 278" as being present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable.

Reason: To ensure the satisfactory development of the site.

13. Prior to the commencement of development a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure the satisfactory development of the site.

Note for applicant

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, the premises be used as B1(b), B1(c), B2 and/or B8. Any (B1(a)) office use shall be ancillary to the primary use of the proposed buildings as B1(b), B1(c), B2 and/or B8 as defined the Town and Country Planning (Use Classes) Order 1987.

Reason: The site is not acceptable in policy terms for B1(a) offices.

15. The total on site trade counter use shall not exceed 10% of the total floorspace of any of the units hereby approved.

Reason: The site is not necessarily suitable for other uses and to define the permission.

16. Prior to the commencement of development a scheme of noise insulation for Unit 3, as shown on the approved plans, and its relationship to 1 Alma Street, shall be submitted to and approved in writing by the Local Planning Authority. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance prior to the first occupation of Unit 3 and thereafter retained.

Reason: To ensure the satisfactory development of the site.

17. The landscaping scheme to be submitted as a reserved matter shall be implemented within 12 months of any part of the development being brought

into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

18. No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels, in relation to land adjoining the site, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land.

Reason: To ensure the satisfactory appearance of the development.

19. The building shown as Unit 1 on the approved plans shall not be subdivided into smaller units unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development and in the interests of highway safety.

20. Unless otherwise agreed in writing by the Local Planning Authority there shall be no outdoor storage on the application site as part of the operations hereby permitted.

Reason: To ensure the satisfactory functioning of the development, in the interests of highway safety and the amenities of nearby residents.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV18, ENV32, ENV33, JP1, and JP5 of the Adopted Walsall Unitary Development Plan (March 2005) and Policies PA1, PA2, PA6, QE3, QE4, QE5 and QE9 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 29 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Major Application / Sale of Council land

Application Number:

07/0275/FL/W2

Application Type: Full application

Applicant: Paul Hanley

Proposal: Erection of 13 houses and
1 apartment block with 24 flats

Ward: Darlaston South

Recommendation Summary: Grant Permission Subject to Conditions and a
Planning Obligation

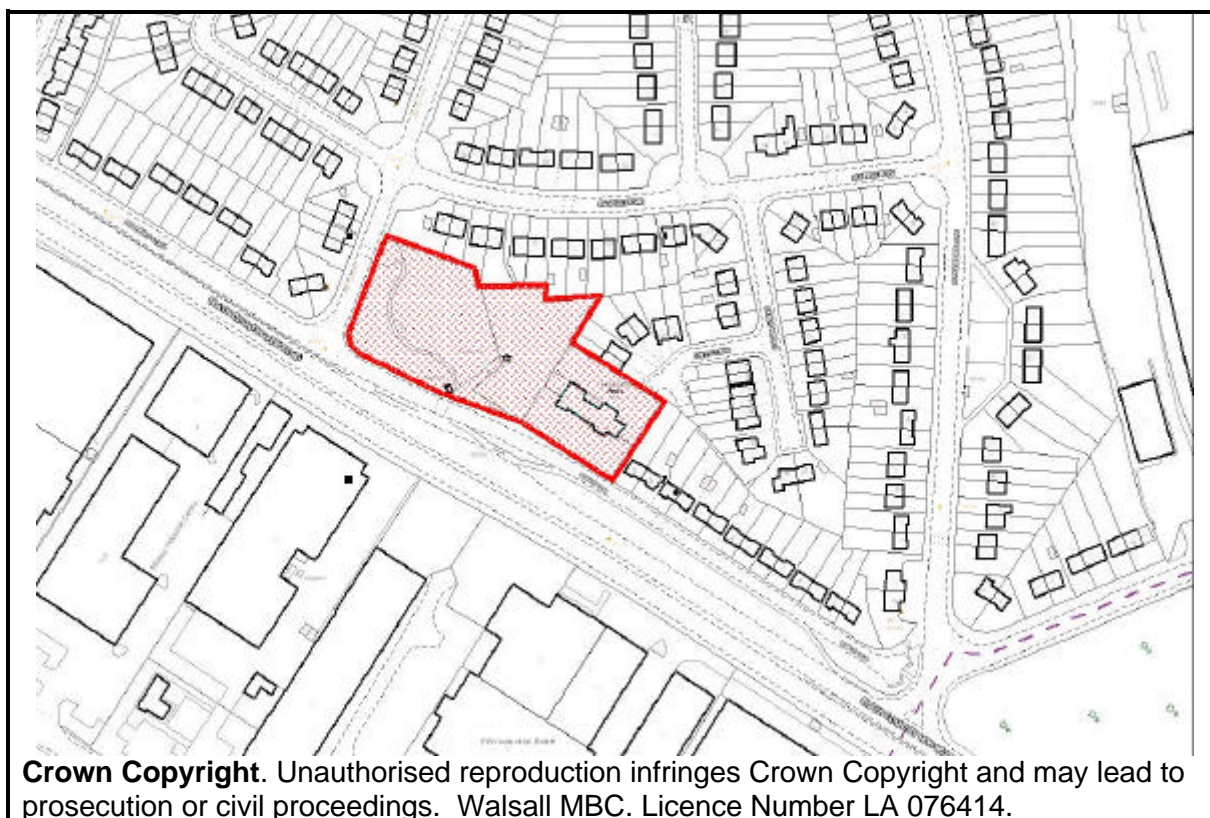
Case Officer: Marilyn Kowalski

Telephone Number: 01922 652492

Agent: Marcus Lewis

Location: ROWLEY
VIEW, MARGARET ROAD
JUNCTION, MOXLEY, WALSALL

Expired: 13/08/2007



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Application and Site Details

The site is roughly rectangular in shape and consists of three distinct areas, i.e. a green space on the corner of Margaret Road, Rowley View, the demolished nursery site and the Highgate Arms PH.

This is a full application for the erection of 13 houses (two and a half storey) and a 3 storey apartment block containing 24 two bedroomed flats.

Parking is provided at 200% for the houses, within a parking court at the front of the dwellings for the houses fronting Margaret Road, and for houses fronting Rowley View, to the rear in the form of a parking space and a car port.

Parking for the apartments is provided at 150% to the rear of the block.

The site area is 0.6067 hectares providing 61 dwellings per hectare with garden lengths ranging from 12m to 19m and all gardens are in excess of the 68 square metres recommended in the Residential Development Standards. The apartments have landscaped amenity space at the front and rear and a small area in the location where the old nursery used to be.

The following documents have been submitted with the application:-

Environmental Noise Assessment

The main noise source is road traffic noise on the A41 Black Country New Road, with some commercial industrial noise from the estate on the opposite side of the dual carriageway. This concludes that through the use of conditions the development will not exceed recommended limits.

Site Investigation

This concludes that consideration should be given to remedial measures such as excavation and removal and replacement of an upper zone of contaminated soil. Gas protection measures should be included.

Ground Investigation Factual Interpretive Report (Highgate Arms)

Concludes that there are generally low concentrations for the majority of contaminants analysed. No hazard to groundwater requiring remedial action. Risk from land gas is high, precautions to prevent gas ingress to all new buildings should be taken. Non standard materials may be needed for new water pipes. Excavated materials should be disposed of at a suitable landfill site.

Ground Investigation Factual Interpretive Report (Rowley View Nursery)

Similar conclusions to the above

Design and Access Statement

This includes an assessment of the site in physical, social and economic terms, evaluates the constraints and opportunities and discusses the design objectives.

Tree Survey

This concludes that most of the trees on site will need to be removed, but there are no trees of significant merit worth preserving. A replacement landscaping scheme providing more than adequate replanting can be achieved.

Relevant Planning History

BC56313P Change of use from Nursery School to landscaped play area.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website)

Unitary Development Plan

2.1 and 2.2 define the overall strategy of the plan, GP1 and 3.1 seek sustainable development, urban regeneration, & environmental improvement are identified

GP2, GP7, 3.6, 3.16, ENV18 and ENV32 - improve the environment of the Borough

GP3 and 8.8 - Planning obligations will be used to secure provision of on or off-site infrastructure etc.

T7 parking provision should be well designed and sensitively integrated. T13 also sets parking standards.

T10 (c) Accessibility standards for all transport modes should continue to be met throughout the life of a development.

H3 encourages additional housing through the re-use of previously developed sites. Policy H9 gives advice about housing densities. This supports developments in the range of 30 -50 dwellings per hectare on most sites.

Policy H10 is about layout, design and dwelling mix of housing.

Residential Development Standards:

Standards for Residential Developments (B) Space around Dwellings: this should provide adequate private amenity space and an acceptable level of privacy and daylight (i) generally garden lengths should be a minimum 12 m and 68 sq m. in area (ii) facing habitable rooms should be a minimum of 24m; a minimum of 13 m between habitable room windows and blank walls which

exceed 3m in height(C) Boundary Treatments should provide an appropriate degree of privacy whilst protecting and enhancing the appearance of the development.

Open Space SPD / Healthcare SPD

Both define contributions appropriate to the increased demand or facilities arising from increased dwelling numbers.

Regional Spatial Strategy for the West Midlands was published in June 2004.

Policy UR1 - Urban Renaissance in the Major Urban Areas (MUA's)

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

Overall, these seek improvements to the design and sustainability of the urban areas.

National Policy

PPS1 on delivering sustainable development and good design.

Within PPS3, paragraph 10 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. The specific outcomes that the planning system should deliver are:

1. High quality housing that is well-designed and built to a high standard.
2. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
3. A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
4. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
5. A flexible, responsive supply of land - managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

In considering high quality design, PPS3 (paragraph 16) suggest matters to consider for proposed development are whether it:-

- Is easily accessible and well-connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user-friendly.
- Provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.
- Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.
- Facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.

- Takes a design-led approach to the provision of car-parking space that is well-integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.
- Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.
- Provides for the retention or re-establishment of the biodiversity within residential environments.

PPG13 on transportation seeks to minimise the use of the car by the sustainable location of development.

Other related documents are PPG25 Development and Flood Risk, 'By Design' companion to PPG's, Urban Design Compendium, Safer Places, The Planning System and Crime Prevention and By Design - Urban Design in the Planning System: Towards Better Practice.

Circular 05/2005 (Planning Obligations) is of relevance in this instance with regard to the appropriate level of planning contributions that will be sought.

Consultations

Transportation: No objections to the principle of residential development. The location of the refuse store for the apartments does not comply with good practice or latest guidance, particularly for 4-wheeled refuse containers. A condition is requested to require the re-location of the facility. A condition is also requested to secure retention of the visibility splays (of 2.4 x 54 metres) either side of apartment access. Future of pedestrian access from Banfield Road must be addressed. Highway along Rowley View is too wide which could tempt visitors to park on the footway. The boundary should be rationalised to increase the developable area.

Pollution Control Division: No objections subject to conditions.

Education Walsall: Contribution requests are based on whether there are sufficient surplus places in local primary and secondary schools. In this case the level of surplus places in local primary schools is above 10% so no contribution is required for this phase. However, the level of surplus places in local secondary schools is below 10% and therefore a contribution of £60,575.81 is required towards secondary school provision.

Police Architectural Liaison Officer: Support in principle. Plenty of space, good parking, good orientation of the buildings to give good overall surveillance to the development. Directly opposite the proposed site is a very large commercial/industrial site with a large distribution centre. There are no provisions for the children/youths of the development and therefore their attention may be turned towards the commercial site opposite. PPS 3 gives particular reference to family housing and the importance of taking in the needs of children. Under this heading I request that consideration is given to

youth provisions on the development by way of play parks, youth shelters and the like to help divert attention away from crime and ASB.

Environment Agency: Low environmental risk.

Housing: Jephson Housing is proposing to develop this entire site. That being the case, as they are a Registered Social Landlord (RSL) the whole scheme will be affordable.

Arboricultural officer: No objection on grounds of tree loss and the lack of suitable landscaping subject to revised plans, as discussed.

Regeneration - Natural Environment: No objection subject to amended plans.

Urban Designer Regeneration: No objections in principle. Conditions are suggested to encourage re-use of the windows in the public house. In addition amended plans should be produced showing a reduced building height on the apartments leading into Margaret Road.

Public Participation Responses

I have received 3 representations from surrounding residents (2 from the same property) on the following grounds:-

- Loss of outlook;
- Increase in noise, disturbance and activity;
- Three storey element will dominate properties opposite;
- Loss of privacy;
- Loss of light;
- Prefer to have houses opposite and not apartments;
- Parking and access problems.

All letters of representation are available for inspection upon publication of this committee report.

Determining Issues

- Principle of residential
- Design quality
- Amenity
- Pollution issues
- Transportation issues
- Obligations

Observations

Principle of Residential

The development is acceptable in principle in planning policy terms. The

development is to be supported as it lies within a residential area. The principle of reusing brownfield sites for housing is generally supported by Government and council policies, provided a satisfactory residential environment for future occupiers can be secured, whilst protecting the operations of existing nearby users.

Both national and local policies also identify the importance of sustainability. Conditions are recommended for a residential travel plan and cycle parking.

The development is 22 dwellings per hectare approx. this is considered satisfactory in policy terms.

Design

The design of the buildings is simple and is in keeping with the existing vernacular, with a mixed palette of materials.

The overall approach to creating a perimeter block that integrates with the layout of existing surrounding housing is supported and reflects successfully the local urban structure. The houses are two storey in appearance, but have a bedroom in the loft space which is accommodated by velux roof lights, these are in keeping with the scale of the surrounding development.

The apartment block is three storeys in height. This massing gives presence on the Margaret Road/Rowley View corner, however, there have been objections from neighbours on Margaret Road who face the three storey apartments. The bulk and scale of the building as it turns into Margaret Road is considered to be dominant in comparison to the existing housing. To address this balance the developer has been asked to reduce the height of the building. He has agreed and amended plans are expected which show the apartments opposite Margaret Road reduced in height. The scheme will be reduced from 37 dwellings to 35. This would also allow a hierarchy of building heights across the site as it steps down towards the proposed two-storey house whilst retaining the integrity of the design. Members will be updated at the meeting.

All the apartments have 2 bedrooms and each unit is dual aspect, this is welcomed, and is positive in terms of environmental sustainability. The retention and re-use of some of the materials in the existing public house should be explored, specifically the decorative lead windows and sills. As these are obscure glazed they are unlikely to be of benefit to the apartments themselves but they may be re-usable in communal circulation areas. The overall design of the apartment building reflects to a degree that of the public house and using the windows (and replicating if more are needed) would reflect this historic character of the site and increase the design quality of the development. The issue is not significant enough to justify a condition, but an informative has been suggested to encourage this.

Amenity

The Residential Development amenity space standard has been exceeded in the case of all of the houses proposed. The amenity space provided for the apartments is considered to be adequate. However, it is felt that the configuration of the parking and amenity space could be liberated to provide a more usable central area. Amended plans are expected to address this. In addition, the police liaison officer has suggested that consideration be given to youth provisions on the development by way of play parks, youth shelters and the like. This has been conveyed to the developer and the possible inclusion of such facilities is being considered. Following discussions with the developer it has been concluded that the issue should be subject to community involvement once the development is occupied. This would have the added advantage of offering the future residents the opportunity to take ownership of the area.

The urban design officer feels that the provision of balconies to the apartments would be valuable in providing private amenity space particularly, given the location of the site overlooking the Black Country Route. The design of the apartment block seems to lend itself to including private terraces/balconies to each apartment. This is also made possible by the dual aspect layout. The internal layout of the building as currently proposed, however, would result in these private spaces being accessed off bedrooms rather than main kitchen-living areas. The private spaces would be of most value accessed off the kitchen-living areas. The internal layout could be reversed to enable the main living spaces to be on the rear of the building and benefiting from the suggested private terraces/balconies. This has been suggested to the developer and it is felt that, in this way, balconies can be provided to most of the apartments. Amended plans are being prepared.

The recommended distance of 24m between habitable room windows is achieved at the rear of all properties. At the front, the distance between the front habitable room windows of the apartments and No. 1, Margaret Road is reduced to 19.5m. This is considered to be acceptable as privacy at the front of properties is compromised by the fact that the public have a right to walk in front of habitable room windows.

Pollution Issues

There is a sub station within the development site. It is appropriate to secure a minimum distance of 5m from the sub station to residential properties. All dwellings are further away than this. Pollution Control have raised no objections subject to conditions to deal with issues of electromagnetic fields, contamination and noise affecting the site and surrounding environs. Conditions have been proposed which will deal with these issues satisfactorily.

Transportation

Transportation do not object to the application. However some issues need to be resolved. Currently, the refuse store is too far from the majority of apartments and the public highway and the lorry will not be able to access the

site. Also some of the terraced properties do not have rear access for bin storage etc. The latest guidance in Manual for Streets would suggest 10 metres is the maximum distance for 4 wheeled containers should they be need to be moved (15 metres for two wheeled.) Also the location of the bin stores may result in the proposals failing to meet building regulations. These facilities will therefore need to be relocated to a position which will comply with good practice and latest guidance. Amended plans are awaited. Following a meeting with the developer an additional refuse store is to be incorporated into the development. Amended plans are awaited.

With regard to other issues raised, a condition is recommended to retain visibility splays. Parking conforms with the Unitary Development Plan requirements. The shared vehicular access to the rear of plots 28 – 37 is narrow for two way traffic, but the set back area in front of the gates will provide a passing place and is therefore considered acceptable.

It is understood that negotiations are underway to deed the pedestrian passage between nos 33 and 35 Banfield Road to the adjoining properties as this access is now no longer needed.

The transportation officer has commented that the highway along Rowley View is too wide, and this could tempt visitors to park on the footway. The developer has been asked to amend the boundary to take in more of the highway and provide for 1.8m footpaths. This will have the double advantage of providing more space within the site for planting larger trees.

Obligations

There is a need for a S106 Agreement to ensure contributions towards Education (£60,575.81), Open Space (£60,291) and Healthcare (£33,434)

Conclusion

On balance the scheme is considered to provide good design. The expected amendments will allow for adequate amenity space and with the imposition of conditions, will meet Transportation and Pollution requirements.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

1. This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

2. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions. The approved scheme shall be implemented

before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

3. No development shall be carried out until full details of existing and proposed levels of the site, accessway and floor levels have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land, and any drainage or other works necessary to facilitate this development.

Reason: To ensure the satisfactory appearance of the development, to ensure the satisfactory development of the site and to ensure the satisfactory drainage of the site.

4. A visibility splay of 2.4 x 54 metres either side of the apartment access shall be maintained free of landscaping or other obstructions over 600mm in height.

Reason: In the interests of highway safety.

5. Before the development hereby permitted is brought into use revised details of refuse and recycling bin stores shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the satisfactory functioning of the development.

6. Unless otherwise agreed in writing by the Local planning Authority the following shall be undertaken:-
 - a) Within 1 month of the development being 75% occupied, consultations with the residents shall commence regarding the provision youth facilities on the development.
 - b) Details shall be submitted to and approved in writing by the Local Planning Authority within 6 months of commencement of the consultation period.
 - c) The scheme shall be installed/implemented within 3 months of the date of agreement of the details. and brought into operation

Reason: In the interests of crime prevention and to ensure community involvement.

7. Prior to development commencing, a noise survey shall be undertaken to the written satisfaction of the Local Planning Authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 6 weeks of completion.

Reason: To safeguard the amenities of the occupants.

9. No development shall take place until suitable noise mitigation measures to protect internal areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

Reason: To safeguard the amenities of the occupants.

Notes for applicant

With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(8 \text{ hours})}$, of 35 dB together with a maximum instantaneous level of 45 dB) L_{AFmax} , between the hours 23.00 to 07.00;
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 45 dB between the hours 07.00 to 19.00; and

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in:

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005

British Standard BS 7445: 2003 “Description and Measurement of Environmental Noise”.

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;

BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use

British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.

British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas

Calculation of Road Traffic Noise, 1988

Calculation of Railway Noise, 1995

This is not an exhaustive list. Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of changes in noise levels on account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued monitoring over a 24 hour period or longer. Secondary ‘spot check’ surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.

Submitted noise measurement data must include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of verification checks pursuant to British Standard BS 7580 Part 1: 1997 Specification for The verification of sound level meters Part 1 Comprehensive procedure conducted within the previous 12 month period, and recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.

10. Prior to built development commencing:-

- a) a site investigation and ground contamination survey having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available.
- b) details of any necessary remedial measures to deal with any identified or potential hazards of any land contamination and/or landfill gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.
- c) the approved remedial measures shall be completed as in accordance with an agreed timetable.
- d) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure the satisfactory functioning of the development.

Note for applicant

Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings" (CIRIA C659); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

Note for applicant

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant

successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

12. No development shall be commenced until a protocol has been submitted to and approved in writing by the Local Planning Authority to ensure that the immediately surrounding highways are not adversely affected by the accidental deposition of materials from vehicles leaving the site. (This may involve the use of a wheel wash, road sweepers, etc.)

Reason : To safeguard the amenity of the area.

13. No development or site clearance works shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. Apart from being attractive visually, the proposed planting shall be consistent with providing a good variety of species to encourage biodiversity and maintain the functions of the site as a wildlife corridor.

Reason: To ensure the satisfactory appearance of the development.

14. Prior to the first dwelling being occupied on the development hereby approved, a Residential Travel Plan developed in partnership with this Council's Travel Wise co-ordinator shall be submitted to, and agreed in writing by the Local Planning Authority. This shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and should include details on:

- a) Public transport information and ticket details;
- b) Cycle provision, showers and lockers; and
- c) Walking initiatives.

The approved measures shall be developed and implemented during the first six months following the occupation of the premises for the use hereby approved. Following the expiry of this period of time, a review of the Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. This will identify any refinements and clarifications deemed necessary to the Plan. The approved, revised plan shall thereafter be implemented in conjunction with the use approved under this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development

15. No development shall be carried out until a schedule of facing materials to be used in external walls and roofs has been approved in writing by

the Local Planning Authority.

Reason : To ensure the satisfactory appearance of the development.

16. No development shall be carried out until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory provision of cycle parking facilities.

17. Before this development is brought into use, the accessways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in tarmacadam (or alternative impervious hardwearing material to be agreed in writing by the Local Planning Authority). The areas shall thereafter be retained and used for no other purpose. The parking spaces have been clearly marked out.

Reason : To ensure the satisfactory provision of off-street parking, appearance and functioning of the development and in the interests of highway safety.

18. All planted and grassed areas and associated protective fencing will be maintained for a period of 5 years from the full completion of the scheme approved under condition 5. Within this period:
- (a) grassed areas will be maintained in a tidy condition by regular cutting and any areas that fail to establish will be reinstated;
 - (b) planted areas will be maintained in a tidy condition by regular weeding;
 - (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed will be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
 - (d) any damage to protective fences will be made good.

Reason : To ensure the success of the landscaping and planting scheme, and the establishment of the plants.

19. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)*

Reason : To safeguard the amenities of the occupants in the area.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding orders, no gates, fences, walls or other means of enclosure, except those included on the approved plans, shall be moved or erected without the prior approval of a planning application relating to that work. The means of enclosure shown on the approved plans shall not be removed or moved without the prior approval of a planning application.

Reason: To ensure the satisfactory appearance of the development.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, GP1, GP2, GP3, GP7, 3.1, 3.6, 3.16, ENV18, ENV19, ENV32, 7.51, 8.8, T7, T10, T12, H3, H9, H10 of Walsall's Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk

NOTES FOR APPLICANT:

- A. The Council's TravelWise adviser at the time of this decision is Louisa Stebbings, who can be contacted on (01922) 652561, Centro's TravelWise Officer, Anne Shenton, can also provide advice on public transport initiatives she can be contacted on (0121) 214 7409
- B. The refuse and recycling bin stores and cycle store for the apartments will need to comply with the latest guidance in "Manual for Streets"
- C. The youth provisions referred to in condition 6 could take the form of play parks, youth shelters or similar. For help and advice on this contact PC Allan Smith the Police Licensing and Architectural Liaison Officer.

Also further advice can be obtained from Glen Buglass Principal Creative Development Officer tel no. 01922 653114.

- D. The retention and re-use of some of the materials in the existing public house should be explored, specifically the decorative lead windows and sills. As these are obscure glazed they are unlikely to be of benefit to the apartments themselves but they may be re-usable in communal circulation areas.
-



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 29 Aug 2007

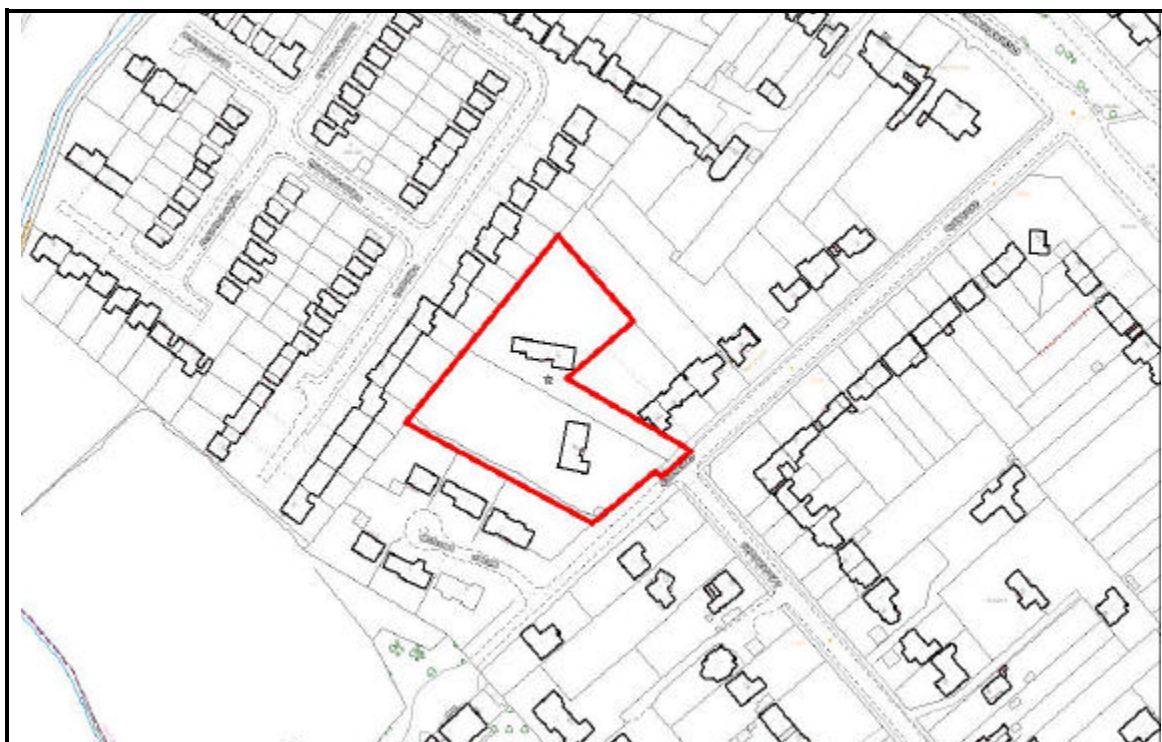
REASON FOR BRINGING TO COMMITTEE: : Significant Community Interest

Application Number: 07/0556/FL/E9
Application Type: Full application
Applicant: Antler Homes Midlands Ltd
Proposal: Erection of 7 detached five bedroom houses

Case Officer: Barbara Toy
Telephone Number: 01922 652429
Agent:
Location: 20-22, QUEENS ROAD, WALSALL, WEST MIDLANDS, WS5 3NF
Expired: 16/05/2007

Ward: Paddock

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The site is situated on the north western side of Queens Road and comprises two residential properties, No.20 a two storey detached house set back from the street frontage to the rear of 18 and 18a Queens Road (a pair of semi detached houses on the frontage) and No.22 a dormer bungalow . The site is an 'L' shape with frontage to Queens Road and an existing vehicular access drive opposite the junction with Charlemont Road.

All trees within the site are protected by a group Tree Preservation Order (TPO) 9 of 2004, and the site boundaries have significant mature hedging and trees.

Immediately to the north western boundary are the rear gardens of two storey houses in Raven Road, to the north is the rear garden of 16 Queens Road and to the east two storey properties in Queens Road. To the south are houses in Charlemont Road, and to the south east six two storey modern houses in Melbourne Gardens, a cul de sac development off Queens Road, with the rear gardens of 1, 2 and 3 backing onto the site.

The application proposes the demolition of the existing house (20) and bungalow (22) and erection of seven, five bed detached two storey houses within a cul de sac development with access from Queens Road. Plots 1 and 2 would front Queens Road with the remaining plots fronting the access drive.

The houses would be constructed from traditional materials of bricks and tiles, with the use of some render, with gable features and traditional architectural detailing.

Site area 0.64 hectares, providing a density of 11 dwellings per hectare due to the significant number of protected trees on the site.

Supporting information in the form of an arboricultural report, a bat report and a design and access statement have been submitted with the application.

Relevant Planning History

05/0144/FL/E2, demolition of existing dwellings and erection of 23 apartments in 3 blocks, with undercroft car parking, associated works and new mini roundabout. Application Withdrawn prior to determination 30-01-06.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website)

Paragraphs 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement, with action to include creating, sustaining and enhancing a high quality natural and built

environment, including a high standard of design, and providing for the right number, type and distribution of new homes.

GP2: Environmental Protection

The Council will not permit development which would have an unacceptable adverse impact on the environment.

Policy 3.6 seeks environmental improvement resulting from development.

Policy 3.9 high priority will be given to maximising the re-use and reclamation of derelict and previously developed land.

Policy 3.16 considers development in relation to its setting with reference to the character and quality of the existing local environment, and will require a high quality of the built and landscape design.

ENV14: Development of Derelict and Previously-Developed Land.

The Council will encourage the reclamation and development of derelict and previously developed land.

ENV18: Existing Woodlands, Trees and Hedgerows

Loss of TPO'd trees will be resisted unless it would be in the interests of good arboricultural practice. Where any trees are lost replacements should be provided to minimise the loss.

ENV23: Nature Conservation and New Development

The layout of all development must take account of the potential for enhancement of the natural environment and the nature conservation opportunities provided by buildings by designing in features which provide roosting/nesting places for bats/birds etc.

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials, height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

ENV39: Renewable Energy and Energy Efficiency

Encourage proposals for the development of renewable energy sources and for the efficient use of energy.

ENV40: Conservation, Protection and Use of Water Resources

Developments should incorporate measures for the conservation of water resources, on site recycling of water and use of rainwater and minimise the watering needed to sustain landscaping.

Policy 6.3 new housing should be in locations that have good accessibility and are well related to local facilities, such as town, district and local centres.

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings.

Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H9: Minimum Densities

Indicates that housing densities in the range of 30 -50 dwellings per hectare are likely to be suitable on most sites. Densities below 30 may exceptionally be justified to provide larger houses, but the layout and design must make the most efficient use of the site.

H10: Layout, Design and Dwelling Mix

(a) The Council will expect the design of residential developments, including residential extensions, to:-

I. Create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.

(c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Guidance and Supplementary Planning Documents relating to residential design.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

4 bedroom houses and above - 3 spaces per unit.

Residential Development Standards, (April 2005)

Provides guidance to standards for residential dwellings. Part B refers to spaces around dwellings, with an overall objective to ensure that space provides adequate private amenity space and an acceptable level of privacy and daylight.

A minimum of 24 metres is usually required between all facing windows of habitable rooms of adjacent dwellings, and 13 metres between habitable room windows and blank walls exceeding 3 metres in height. Private rear gardens with a minimum length of 12m and 68 sqm.

National Policy

PPS 1: Delivering sustainable development emphasis the need to reject poor design and the need for sustainable development.

PPS 3: Housing (released December 2006 and recently superseded PPG 3).

The objective of the revised guidance is to:

- Support further increased housing needed across the country
- Bring additional brownfield land back into use
- Increase the design and environment standards of new homes and neighbourhoods in order to move towards zero carbon development

PPS 9: Biodiversity & Geological Conservation, states in paragraph 16 that LPA's should ensure that species are protected from the adverse effects of development.

PPG 13: Transport, promotes sustainable patterns of development, which reduce the need to travel, especially by car.

Consultations

Transportation – no objections, sufficient parking provision and no adverse impact on highway safety.

Pollution Control – No objections, subject to condition to restrict hours of working on site.

Fire Officer – No objections.

Environment Agency – no comments.

Centro – no objections.

National Grid – negligible impact.

West Midlands Police – layout considered acceptable, would encourage the developers to adhere to Secure by Design principles in relation to good physical security of the houses.

Environmental Health – no objections.

Greenspaces – no specific comments.

Severn Trent Water – no objections

Landscape Officer – similar form and style to nearby development and reflects the existing residential character of this part of Walsall. The landscape proposals are acceptable and retention of the existing trees and hedges are a key factor.

Tree Officer – Site covered by group TPO 9 of 2004. Satisfactory tree survey report submitted and agree with its recommendations. Some concerns regarding shadowing of the rear gardens of plots 6 and 7 have been overcome by the amended layout plan. Conditions required to ensure appropriate tree protection measures in accordance with BS5837:2005, details of felling and pruning work to be agreed and no dig technique used for the road construction.

Natural Environment – An extensive bat survey has been undertaken and reported. It is now accepted that the roof of No 22 Queens Road may not currently be used by Brown Long-eared bats, as previously, but an appropriate condition should be attached to any approval to allow for provision to be made for bats to use the roof spaces of the new houses, as this would be more likely to be used by Brown Long-eared bats than bat boxes.

Natural England – no objections. The proposed development would not affect any statutory or non statutory nature conservation site. In respect of legally protected species, a bat survey has been submitted with mitigation measures proposed. A European protected species licence will be required before development can proceed and therefore the final mitigation scheme will need to concord with the one approved through the licensing process, and an appropriate condition should therefore be attached to any approval.

Public Participation Responses

Five objections received to the original layout, residents have been reconsulted on the amended layout, with no further representations received. Any representations received after completion of this report will be included in the Supplementary Papers.

Objections:

- Too many houses for the size of the plot
- Too close to the boundaries
- Poor access for large vehicles for refuse, fire etc.
- Although tree retention/protection, the trees are too close to the houses resulting in future requests for additional tree work.
- Future of hawthorne hedge
- Possible damage to land drain
- Adverse impact on the environment from the loss of the 2 existing houses and creation of 7
- Increase in traffic.

Determining Issues

- The principle of residential development
- Design and Layout and Impact on surrounding occupiers
- Trees and Bats
- Other Issues

Observations

Principle of residential development

The site is currently occupied by two residential properties and is situated within a low density residential area, characterised by predominantly detached two storey houses in large plots with a large number of trees and mature planting.

The proposal is a density of 11 dwellings per hectare, below the guidance contained within UDP (Policy H9) and PPS 3, which require a minimum density of 30 dwellings per hectare. The proposals however take account of the context and fit with the character of the surrounding pattern of development, which is low density at just 8 dwellings per hectare. The site benefits from a significant amount of protected trees that limits the area of developed land. The proposed density is therefore considered appropriate in this location.

The existing properties at 20 and 22 are not considered of any historical or architectural importance and are both set back from the street frontage and fail to positively contribute to the Queens Road street scene, there is no objection to their demolition.

The principle of residential development on the site is therefore considered acceptable.

Design and Layout and Impact on surrounding Occupiers

The proposals utilise the existing vehicle access to No 20, onto Queens Road, situated opposite the junction with Charlemont Road.

Plots 1 and 2 would front Queens Road, with vehicle access from the access road, with no adverse impact on the mature, protected sycamore and ash trees along the Queens Road frontage.

Plots 3 – 7 would front the access road, with 3 – 5 on the left and 6 and 7 on the right.

The positioning of the existing trees within the site have dictated the design and layout of the development, to ensure retention of as many trees and hedging as possible.

Each plot would provide satisfactory parking provision in order to comply with Policy T13 of the UDP, 3 spaces per dwelling.

Each plot would have rear gardens 12m in length or over and over 150sqm in area, to exceed the RDS guidance.

Plots 3 – 5 would be back to back with 2 and 3 Melbourne Gardens, whilst plots 6 and 7 would back onto the rear garden of 16 Queens Road. The rear gardens of properties in Raven Road back onto the side elevations of plots 5 and 6 and is considered to be an acceptable relationship in this instance.

All the distance separations between habitable room windows and blank gables comply with the 24m and 13m distances required by the RDS with just one exception. The distance separation between the rear of No 2 Melbourne Gardens and the rear of plot 3 has been reduced to 21.5m as No 2 have recently constructed a single storey rear conservatory. It is however considered that the small shortfall in separation distance is acceptable in this instance as there are two large protected sycamore trees and a mature hedge situated along the boundary which would be retained and would obscure any views preventing any loss of privacy.

There is a fall of approx 5m from Queens Road to the bottom of the site. The proposed houses would therefore gradually step down the site with plot 5 being less than 1m higher than the Raven Road properties.

With the retention of all significant trees and hedging on the boundaries of the site and compliance with the RDS in terms of distance separations, it is considered that the proposed development would have no adverse impact on the amenities of the surrounding residential occupiers.

The proposals include plots 1 and 2 fronting Queens Road, as a continuation of the existing building line, which is considered, would address the street

scene well, providing surveillance of the street, unlike the existing properties which are set back and form no part of the street scene.

Trees and Bats

Trees

The site is covered by an area TPO, 9 of 2004. The tree report submitted (to BS5837:2005 standard) identifies 78 trees on the site: 1 grade A (the oak to the rear of plot 6) a high priority for retention, 20 x grade B with moderate priority for retention, 48 x grade C with low priority for retention and 9 recommended for removal and overall an additional 18 trees identified for maintenance, including pruning and thinning.

The proposed layout would result in the retention of 56 of the identified trees and removal of 22 (9 identified for removal and 13 of low priority for retention). The tree officer has confirmed the acceptability of these proposals.

The proposals also include the retention of the existing substantial and mature hedging along the boundaries with Raven Road and Melbourne Gardens.

Some concern was raised regarding the resultant small area of garden space free of shadowing from trees and the buildings, particularly on plots 6 and 7, and the likelihood of future pressure to remove additional trees. The amended layout reduces the footprint of plots 6 and 7 and moves the buildings forward to increase the rear garden area and reduce the extent of shadowing overcoming the concerns raised.

Appropriate conditions are attached to ensure full tree protection in compliance with BS5837:2005 and details of all pruning and felling works to be agreed prior to any work commencing on site.

Bats

An extensive bat survey has been undertaken and reported. It is now accepted that the roof of 22 Queens Road may not currently be used by Brown Long-eared bats as previously identified during the previous application at the site. An appropriate condition is attached to allow for provision to be made for bats to use the roof spaces of the new houses, as this would be more likely to be used by the Brown Long-eared bats than bat boxes, together with continued monitoring of the site for bats.

Recommendation: Grant Subject to conditions

1. This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. No development shall take place until full details of an amended design of roof spaces with appropriate access and suitable for use by brown long-eared bats are submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be incorporated into the development and retained.

Reason: In order to provide suitable alternative roosting for the brown long-eared bats in the vicinity.

3. Before any development commences, a schedule of monitoring for the impact of the proposed development on local bat populations shall be submitted for the written approval of the Local Planning Authority. The schedule shall provide recommendations for necessary remedial action which shall then be carried out within the timescales specified. The results of the monitoring programme shall be submitted to the Local Planning Authority for written approval.

Reason: In order to safeguard the local bat population in the immediate vicinity.

4. No development shall be carried out until details of the type of fencing and the construction methods for the protective fencing around the existing trees on the site, shown on drawing No. MD06/123/4-P100 (Appendix 6 of the submitted Arboricultural Report by Marlow Consulting Ltd Dated 28th January 2007) has been approved in writing by the Local Planning Authority. The fencing shall be erected around all trees and hedges to be retained before development commences, and shall be retained until the development is entirely complete. The land so enclosed shall be kept clear of all contractor's materials and machinery at all times

Reason: To safeguard the trees included in the TPO on the site.

5. Before any development commences, a schedule of pruning and felling works to enable the development to be constructed shall be submitted for the written approval of the Local Planning Authority. Thereafter works to trees shall proceed only in accordance with the approved schedule. Any pruning of existing vegetation to accommodate foundations, scaffolding or other building work must be carried out by a qualified and experienced tree surgeon and pruning must give a maximum clearance of 1 metre for buildings or scaffolding.

Reason: To safeguard the trees included in the TPO on the site.

6. This development shall be implemented in accordance with the External Materials Schedule submitted on 21st March 2007 and hereby approved, and no other materials used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

7. The site shall be landscaped in accordance with the hereby approved landscaping scheme, as detailed on the Landscaping Proposals Plan L L 1-A, submitted on 20th July 2007. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

8. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, including consideration of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan, PPS1 and the Code for Sustainable Homes in terms of sustainable development and use of natural resources.

9. The disposal of both surface and foul water drainage on the site shall be implemented in accordance with details contained within Site Drainage Schematic drawing no D S I dated March 2007 and submitted on 21st March 2007, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

10. The development shall be implemented in accordance with Topographical Survey by Brunel Surveys Ltd dated Dec 2006 and submitted on 21st March 2007.

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

11. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 0800 to 1800 weekdays and 0900 to 1400 hours Saturdays, unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

12. During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the trees and or hedges on the site.

13. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site without the written approval of the Local Planning Authority.

Reason: To safeguard the trees included in the TPO on the site.

14. The works hereby approved shall only be carried out in accordance with details contained within drawings:

Site layout Drg No MD046-SitePO1 Rev B received 20th July 2007

Topographical survey Dec 2006 (Brunel Surveys Ltd) received 21st March 2007.

Site Drainage Schematic Drg No DSI dated Mar 2007 received on 21st March 2007.

Swept Path Analysis Phil Jones Associates Drg No 02 dated 03/07 received 21st March 2007

House Type H504 (Plots 1 & 4) Drg Nos MD046-H504PI PO1, PO2 and PO3 received on 21st March 2007

House Type H501 (Plot 2) Drg No MD046-H501P2 PO1, PO2 and PO3 received on 21st March 2007

House Type H501 (Plot 3) Drg No MD046 H501P3 PO1, PO2 and PO3 received on 21st March 2007

House Type H527 (Plot 5) Drg No MD046 H527P5 PO1, PO2 and PO3 received 21st March 2007

House Type H527 (Plot 6) Drg No MD046 H527P6 PO1, PO2 and PO3 received 20th July 2007

House Type H510 (Plot 7) Drg No MD046 H510P7 PO1, PO2 and PO2 received 20th July 2007

Double Hipped Roof Garage G10, Drg No ADS G10 PO1 received 21st March 2007

Garden Wall Detail Drg No HL 03, received 21st March 2007

Close Boarded Fence Detail, Drg No HL 05, received 21st March 2007

Timber Gate Detail, Drg No HL 011, received 21st March 2007

External Materials Schedule received 21st March 2007

Street Scenes received 21st March 2007

Site Cross Sections received 21st March 2007

Landscaping Proposals Drg No LLI A received 20th July 2007

Arboricultural Report by Marlow Consulting Ltd dated 28th January 2007 received 21st March 2007

Bat Survey by Landscape Science Consultancy Ltd dated June 2007 received on 26th June 2007

And Design and Access Statement received 21st March 2007

Reason: In order to define the permission and ensure that only the approved works are implemented.

Note to Applicant

A European protected species licence will be required for the development and the detailed scheme for mitigation for bats must accord with the mitigation scheme approved through the licence process.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 2.1, 2.2, 3.6, 3.9, 3.16, GP2, ENV14, ENV18, ENV23, ENV32, ENV39, ENV40, 6.3, H3, H9, H10 and T13 of Walsall's Unitary Development Plan, and the Residential Development Standards and on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Building Control,
Regeneration
On 29 Aug 2007**

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/0901/FL/W7
Application Type: Full application
Applicant: New SS Properties (UK)
Ltd

Proposal: Erection of 12 new
apartments and associated works
following the demolition of existing
buildings.

Ward: St. Matthews

Recommendation Summary: Grant Permission Subject to Conditions and a
Planning Obligation

Case Officer: Andrew Thompson
Telephone Number: 01922 652403
Agent: MCJ Solutions

Location: 22 WINDSOR
HOUSE, VICARAGE
PLACE, WALSALL, WEST
MIDLANDS, WS1 3NA

Expired: 02/08/2007



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LA 076414.

Application and Site Details

The site is located on the corner of Vicarage Place and Vicarage Walk comprising former industrial premises that are vacant and have been for some time. The front of the application site is located within the Bradford Street Conservation Area. The Conservation Area also runs adjacent to the site up Vicarage Walk towards Glebe Street. The site is opposite the Grade II* listed St Mary's The Mount Roman Catholic Church and its associated Presbytery.

The proposals are to demolish the existing warehouse/factory and build 12 flats (8, 1-bedroom and 4, 2-bedroom) over two and a half storeys. The proposals include 10 car parking spaces (83%), including one space capable of being used by a disabled person.

The proposals incorporate bin and secure cycle stores within the scheme and a small area of private amenity space to the rear of the proposals.

Relevant Planning History

BC57394P - Alterations and Extensions (including replacement roof and first floor extension) – Granted – 8th May 2001

BC58172P – Change of use to 14no. self contained flats – Granted 27th May 2002

05/1290/FL/W7- Demolition of existing building and erection of 21 apartments – Refused 22nd September 2005. Appeal APP/V4630/A/05/1193059 - Dismissed – 19th August 2006.

Dismissal related to no car parking provision being provided on the site and the impact on highway safety and the local highway network. The design of the proposals and density was considered acceptable.

06/1400/FL/W1 – Variation of Condition 1 of Planning Permission reference BC58172P to extend the life of planning permission by 3 years for change of use to 14no. self contained flats. Withdrawn 3rd November 2006

Relevant Planning Policy Summary (*Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website*)

Adopted Unitary Development Plan

The application site is within the Walsall Town Centre Inset Plan boundary and therefore policy WA1 applies which seeks to enhance Walsall Town Centre, Policy S8 seeks to encourage housing in appropriate locations within the centres. Part of the site is located in a Conservation Area and the need to preserve and enhance such areas is detailed in Policy Env29 with Policies Env32 and Env33 also highlighting the need for high quality design and landscaping. Policy Env10 also considers the impact on neighbouring residents.

Policies T13 seeks to consider an appropriate level of car parking and policy T4 seeks to ensure that the highway network is not adversely affected.

Walsall Local Development Framework

The Council have adopted an Urban Open Space SPD and an Education SPD which supplement the Adopted Unitary Development Plan to secure appropriate planning contributions for development.

Regional Spatial Strategy for the West Midlands (RSS11)

Policies PA1, PA2 and PA6 seek to promote regeneration and encourage employment development in sustainable locations (i.e. within the Major Urban Areas) and to ensure that an appropriate portfolio of land exists to meet the needs of the economy. Policies QE1, QE2, QE3, QE4, and QE5 promote high quality environments, and policy QE9 highlights the need to promote the water environment and improve such facilities, including canals. The RSS promotes similar policies to the UDP and promotes sustainable development.

National Policy

PPS1 seeks to promote sustainable use of previously developed land whilst locating uses such as offices and retail development in town centres with a strong emphasis on high quality design. PPS6 seeks to strengthen and diversify town centres.

PPS 3: Paragraph 10 of the new PPS3 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. The specific outcomes that the planning system should deliver are:

1. High quality housing that is well-designed and built to a high standard.
2. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
3. A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
4. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
5. A flexible, responsive supply of land - managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

In considering high quality design, PPS3 (paragraph 16) guides that proposed development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and creates a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

PPG13, promotes development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport. This

is supported by Manual for Streets (published May 2007) which promotes a flexible approach to design and materials that build a high quality environment. PPG14 indicates how to accommodate development on unstable land. PPG15 seeks to improve the historic environment.

Circular 05/2005 (Planning Obligations) is of relevance in this instance with regard to the appropriate level of planning contributions that will be sought.

Consultations

Transportation – No objection subject to conditions.

Pollution Control – No objection

Urban Open Space – A contribution of £11,216.00 is sought under the Adopted SPD.

Education – Due to the level of one-bedroom flats, the level of appropriate units is below the size threshold, therefore no education contribution is sought.

Representations

1 letter of objection received from the Presbytery with regard to the lack of car parking and traffic congestion.

All letters of representation are available for inspection upon publication of this committee report.

Determining Issues

- the previous appeal/refusal
- the design of the proposals and the impact on the Conservation Area
- transportation issues
- Section 106 Agreement

Observations

The previous appeal/refusal

The previous appeal decision related to a car-free development of the site for 21 units. Whilst the design and the density was considered to be acceptable, it was considered that the appeal should be dismissed due to the lack of car parking provision and its impact on the highway network.

The maximum UDP parking standard to serve the proposed development for 12 apartments is 18 spaces. The applicant currently proposes 10 spaces however the proposals include secure cycle storage provision, and considering the town centre location, and good transport links this is considered a sustainable location and these levels are acceptable.

It is noted that the level of car parking introduced is similar to the level to other town centre developments. It is therefore considered that the reason for dismissing the previous appeal has been overcome.

The design of the proposals and the impact on the Conservation Area

The site had benefited from a planning permission for 14 units (reference BC58172P, granted May 2002) which has now expired. The proposals, as part of this application are for a lower density but a significantly improved design and layout to the proposals. It is therefore considered that the proposals have taken many of the features of the surrounding area and will build a satisfactory residential environment that will preserve and enhance the conservation area. It is also noted that the design of 21 units on the site was accepted.

The layout contains limited amenity space for the residents however considering previous applications and approvals and the town centre location, the level of amenity space proposed would therefore be acceptable in this instance.

Transportation issues

The car parking layout and bin storage provision has been amended to take account of transportation officers' comments. The development provides secure cycle provision and proposes a space capable of being used by disabled persons.

Section 106 Agreement

Open Space contributions are sought and agreed at £11,216.00

Conclusion

Overall the proposals represent an enhancement to the quality of the conservation area, and follow the permission granted in 2002 and overcome the reason for refusal at appeal in 2006. The proposals are therefore considered to be acceptable.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

1. This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

2. Prior to the first occupation of each dwelling, noise mitigation measures shall be installed so that internal noise levels of each dwelling, measured in accordance with British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 (or relevant subsequent legislation) shall not exceed:-

- (a) within the bedrooms a Continuous equivalent Noise Level, $L_{Aeq(5 \text{ minutes})}$ of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} between the hours of 23.00 to 07.00;
- (b) within the living rooms a Continuous equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$ of 45 dB between the hours of 07.00 to 19.00; and
- (c) within the living rooms a Continuous equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$ of 40 dB between the hours of 19.00 to 23.00;

Reason: To safeguard the amenities of the occupiers of development.

3. Details for the disposal of both surface water and foul sewage are to be submitted to and agreed by the Local Planning Authority prior to the commencement of the development hereby approved.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

4. No development shall be carried out until full details of the proposed boundary treatment of the site, including a gated access to the rear of the car park, have been approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

5. Prior to the commencement of development a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. All planted and grassed areas and associated protective fencing shall be maintained for a period of 12 months from the full completion of the approved scheme. Within this period:

- (a) grassed areas shall be maintained in a tidy condition;
- (b) planted areas shall be maintained in a tidy condition;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

6. This development shall not be carried out until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

7. Before this development is brought into use, the access ways, vehicle parking and manoeuvring areas shown on the approved plans shall be surfaced in a suitable impervious hardwearing material to be agreed in writing by the Local Planning Authority. The areas shall thereafter be retained and used for no other purpose. The parking spaces are to be clearly marked out and used solely by the occupiers of the site.

Reason: To ensure the satisfactory functioning of the development.

8. No construction or engineering works (including land reclamation, stabilisation, preparation, remediation, deliveries or investigation), shall take place on any Saturday, Sunday, Bank Holiday or Public Holiday, and such works shall otherwise only take place between the hours of 08.00 and 18.30 weekdays unless otherwise agreed in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development outside these permitted hours.

Reason: To safeguard the amenities of neighbouring occupiers.

9. All vehicle access points should be constructed prior to the occupation of the proposed development, and in accordance with a specification to be submitted and approved by the Local Planning Authority, and comply with all statutory requirements.

Reason: To ensure the satisfactory functioning of the development.

10. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, to a 3 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: To ensure the satisfactory development of the site.

11. Prior to the occupation of the building, the location of a communal satellite dish to serve the apartments units shall be submitted to and agreed by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the building, to ensure amenities of future residential occupiers, to prevent a proliferation of satellite

dishes on the building and to ensure satisfactory functioning of the development

12. Prior to the commencement of development details of the cycle stores and bin stores, including the method for ventilation and lighting, shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T13, ENV10, ENV29, ENV32, S8, WA1 and H10 and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk

NOTE FOR APPLICANT: 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

NOTE FOR APPLICANT: Party wall and floor structures should have reasonable resistance to airborne and impact sound in accordance with Approved Document E of the Building Regulations 2000, (As Amended).

NOTE FOR APPLICANT: As your application includes demolition work, it may be necessary for you to also notify **Building Control Services** of your intention to demolish (Section 80 of the Building Act 1984). This should be done as soon as possible but **not less than 6 weeks** before commencement of the demolition work. Helpline number 01922 652408.

NOTE FOR APPLICANT: Your attention is drawn to the Party Wall etc. Act 1996. If you intend to carry out building work which involves:

- Work on an existing wall shared with another property;
- Building on the boundary with a neighbouring property;

You must find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled 'The Party Wall etc. Act 1996: Explanatory Booklet' or 'A Short Guide to the Party Wall etc. Act 1996', both are available from the DOE Publications Despatch Centre, Blackhorse Road, London, SE99 6TT. Tel. 0181 691 9191. Fax. 0181 694 0099.

NOTE FOR APPLICANT: This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 29 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number:

07/1011/FL/E11

Application Type: Full application

Applicant: Walsall Metropolitan
Borough Council

Proposal: Extension to existing
cemetery to provide additional land for
interments and extension to existing
access road, with landscaping and
enhancement of hedge and tree
boundary.

Ward: Aldridge/Central & South

Recommendation Summary: Grant Subject to conditions

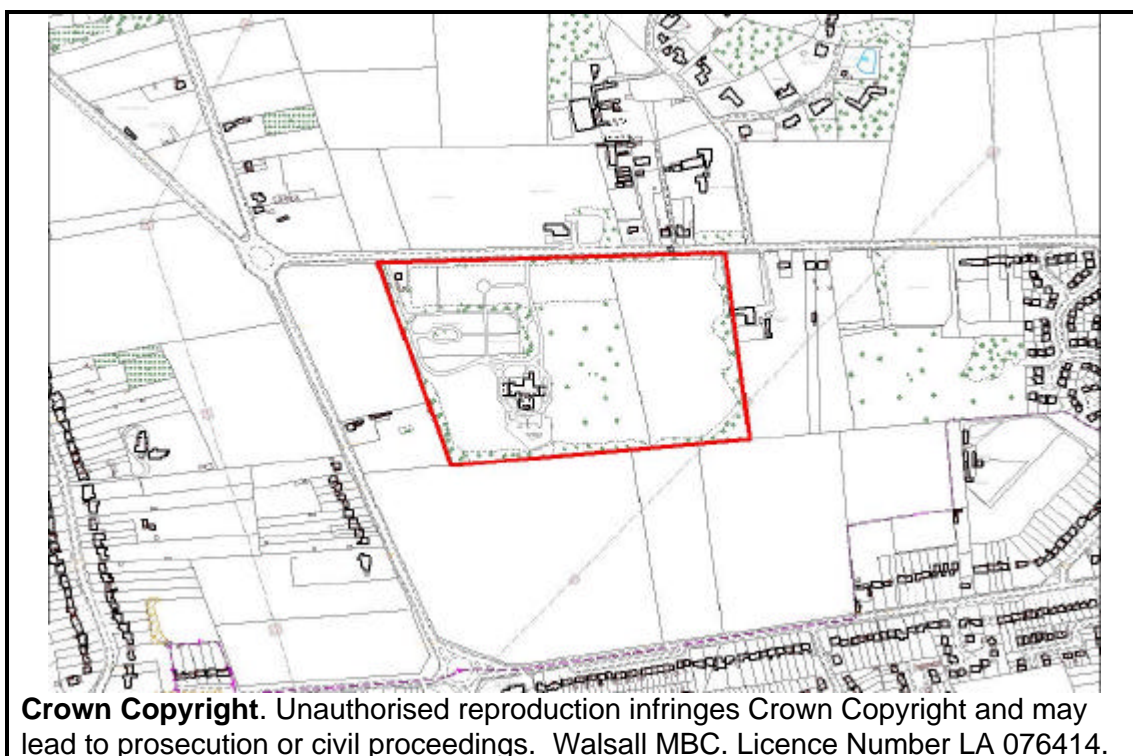
Case Officer: Alison Deakin

Telephone Number: 01922 652487

Agent:

Location: STREETLY CEMETERY
& CREMATORIUM, LITTLE
HARDWICK
ROAD, WALSALL, WEST
MIDLANDS

Expired: 31/08/2007



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Application and Site Details

The application is for an extension to Streetly Cemetery, off Little Hardwick Road, Streetly. The proposal is to extend the cemetery into the field adjoining the eastern boundary of the existing site, to allow further burials to take place. The field has an area of 36.11ha. The proposals include provision of an extension to the existing access road within the site together with landscaping and enhancement of the hedge and tree boundaries. Development is proposed in two phases, phase A is to extend the cemetery by 12 ha which would provide capacity for approximately 10-15 years and phase B would be commissioned at the end of this period for the remainder of the field (24 ha).

The proposed cemetery extension will be accessed via the internal road system in place within the existing cemetery. There are currently three access points to the cemetery, an entry only point to the west adjacent to 296 Little Hardwick Road, exit point only on the present eastern boundary and an access in the centre of the present site frontage. The proposals include an extension of the internal access road to serve the proposed extended cemetery area, including a new internal traffic island, the centre of which will be planted as a garden. The proposed new carriageway and footpaths will generally be at existing ground levels with minimal interference with the ground profiles. The proposed burial areas will be grassed and new landscaping introduced. New pathways will also be introduced.

There is a belt of mature trees and hawthorn hedge along the site frontage to Little Hardwick Road. The proposal is to trim back to the existing Hawthorn hedge and erect 1.2m post and rail fencing and thicken the existing tree belt along the site frontage with Holly. An avenue of trees is also proposed along the extended access road.

Relevant Planning History

BC46605P – Extension to Cemetery – Grant Subject to Conditions 10/9/96

02/0755/FL/E6 – Extension to Cemetery (Renewal of application BC46605P)
– Grant Subject to Conditions 11/2/02

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from Planning Services Reception and on the Planning Services Website)

Unitary Development Plan

GP2: Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact.

3.16: Development will be considered in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

Paragraph 3.21 and ENV1: Defines the purpose of the Green Belt.

ENV2: There is a presumption against the construction of new buildings except for specific purposes that includes cemeteries and other uses that preserve the openness of the Green Belt and do not conflict with its purpose.
ENV3: Identifies detailed considerations for proposals in the Green Belt.
ENV17: Encourages new planting in development schemes.
ENV18: The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.
ENV23: Proposals must take account of opportunities for nature conservation
ENV32: Poorly designed development which fails to take account of the context or surroundings will not be permitted. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.
ENV33: Promotes good landscape design as an integral part of urban design. The Council will require planning applications to be fully supported by details of external layout and landscape proposals.
ENV40: Proposals for development will be encouraged to incorporate measures for conservation of water resources.
T13: Gives standards for parking provision.

Regional Spatial Strategy

The Regional Spatial Strategy for the West Midlands promotes the regeneration of the metropolitan area and sustainable development in accordance with national government guidance.

National Policy

PPS1 Delivering Sustainable Development – promotes sustainable and inclusive patterns of urban and rural development.
PPG2 Green Belts - Seeks to protect against inappropriate development that is harmful to the Green Belt. However, it highlights that essential facilities for cemeteries, and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it are acceptable.
PPG13 Transport – Promotes sustainable patterns of development which reduce the need to travel, especially by car.

Consultations

Transportation – No objections subject to conditions.

Pollution control – No objections. Pollution Control Contaminated Land Team supports the application and is satisfied that sufficient ground investigation has been completed to assess its potential to impact groundwater and recommends that conditions offered by the Environment Agency are attached to any approval granted.

Environmental Health – No objections.

Natural Environment – No objections.

Tree Officer – No objections subject to conditions to ensure protection of the mature Oak tree that is adjacent to the access road.

Landscape – No objections. The application contains full details of all hard and soft landscaping and these details are acceptable.

Greenspace Services – No objections.

British Waterways- No objections

Drainage – No objections.

Fire Service – Satisfactory for fire service access.

Environment Agency – No objections subject to safeguarding conditions to protect the water table from contamination.

Public Participation Response

One letter received from a neighbour:

- adequate screening to the road edge to be maintained
- entry/exit points away from housing and parking is an issue

Determining Issues

- Impact on the Green Belt
- Layout and Design
- Impact on Neighbours Amenities
- Means of Access
- Landscaping

Observations

Impact on the Green Belt

The principle of extending the cemetery has already been accepted as there are previous planning approvals. The site is located within the Green Belt, however no new buildings are proposed that would have an adverse impact on the character or openness of the Green Belt. National and local policies allow for development of cemeteries or other uses which preserve the openness of the Green Belt and do not conflict with its purposes. The proposed extension is required to accommodate burials at the cemetery for 30 years or so and the proposed alterations to the boundary treatments, landscaping and access roads will not have any adverse impact on the character of the Green Belt. Given that there is no built development proposed it is considered that there will be no adverse impact upon the openness or character of the Green Belt and accord with policies ENV2 and PPG2.

Layout and Design

The proposal is to extend the cemetery into the adjacent field following the same pattern of layout and design as the existing cemetery, including new internal roads and additional landscaping. The first Phase is to continue burials within the front part of the field along the Little Hardwick Road frontage. This layout and design is in keeping with the character of the existing site and surrounding area and is considered acceptable.

Impact on Neighbours Amenities

There is a rugby club and several residential properties opposite the site on Little Hardwick Road and a farm and other residential properties immediately adjoining the eastern boundary of the application site boundary. Although the proposals bring the cemetery use closer to some of these properties it is considered to have no adverse impact upon residential amenities as no new buildings are proposed and the extension includes provision of additional landscaping that will help screen the site further.

Means of Access

The proposal includes alterations to the existing means of access within the site to extend the access road to serve the extended cemetery and alter entry and exit points on Little Hardwick Road. The new entry point for the cemetery will be the existing central access point and the access points adjacent the eastern and western boundaries of the site will be used for exit only. This reverses use of the western access from entry only to exit only and will not have any adverse effect upon highway safety. Vehicle circulation within the site is to be clearly sign posted and the proposals therefore have no adverse impact upon vehicle movements within the site.

Landscaping

The existing belt of trees along the site frontage is to be retained with some tidying up of the Hawthorn hedge and additional planting of Holly along the boundaries to maintain a screen from Little Hardwick Road. There is a large mature Oak tree adjacent the existing site's western boundary (near to the existing exit point). This is to be retained and the Tree Officer is satisfied that adequate tree protection measures can be implemented. Additional trees are proposed along the extended access road to create an avenue of trees and grass seeding over the burial areas. The proposals also include planting new trees in the existing gap in the tree belt along the Little Hardwick Road where the field access is at present. This will complete a continuous belt of trees along this frontage. Landscaping is also proposed on the newly created road island with soft landscaping and a gravel path for pedestrians.

It is considered that the proposed landscaping will ensure protection of the existing tree belts around the edges of the site and enhance the appearance of the site.

Recommendation: Grant Subject to conditions

1. This development must be begun not later than 3 years after the date of this decision.

Reason; Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

2. This development shall not be carried out other than in conformity with the following plans and documents: -

- Planning Application General Arrangement (Drwg. No. 50178TBME/PA/001) received 11/5/07
- Access Arrangement Plan received 1/6/07
- Hard Landscaping Details (Drwg. No. ERS41540/1) received 11/5/07
- Planning Application Typical Cross Sections Sheet 1 of 2 (Drwg. No. 50178TBME/PA/002/01) received 11/5/07
- Planning Application Typical Cross Sections Sheet 2 of 2 (Drwg. No. 50178TBME/PA/002/02) received 11/5/07
- Soft Landscaping (Drwg. No. ERS41540) received 11/5/07
- Joynes Pike Associates letter to the Environment Agency dated 23rd January 2007 regarding groundwater testing.

Reason; To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3. Prior to the commencement of the development hereby approved full details of the type, size and location of the signage to be used to direct vehicles around the internal road network of the site shall be submitted to and agreed in writing with the Local Planning Authority and then implemented in accordance with the agreed details and maintained throughout the life of the development.

Reason: To maintain highway safety.

4. The landscaping scheme shown on the hereby approved plans shall be implemented in accordance with the details within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

5. All planted and grassed areas and associated protective fencing shall be maintained for a period of 60 months from the full completion of the approved scheme. Within this period:

- (a) grassed areas shall be maintained in a tidy condition and any areas that fail to establish shall be reinstated;
- (b) planted areas shall be maintained in a tidy condition;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged

or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
(d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

6. Prior to any construction or demolition works taking place on site tree protection measures shall be implemented in accordance with BS: 5837 2005 in order to protect the trees to be retained on site and around the edges of the site and maintained during the construction/demolition period unless agreed in writing with the Local Planning Authority.

Reason: To safeguard existing trees and preserve the visual amenities of the area.

7. The development shall be carried out in accordance with the following matters unless the Local Planning Authority agrees to any variation in writing:

- No burials within Source Protection Zone 1 around a spring, well or borehole.
- A minimum distance of 250 metres from graves to wells, boreholes or springs used for water supply.
- A minimum distance of 30 metres from graves to other springs or watercourses.
- A minimum distance of 10 metres from graves to field drains.
- No burial into standing water with the base of the grave above local water table.
- No burials within an area that may affect other private groundwater supply sources in the area.

Reason: To ensure the satisfactory development of the site.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP2, ENV2, ENV3, ENV32 and ENV33 of Walsall Unitary Development Plan, and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 29 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Significant Community Interest

Application Number: 07/1395/FL/E10
Application Type: Full application

Case Officer: Andrew White (E10)
Telephone Number: 01922
652487

Applicant:

Agent: W Sturch

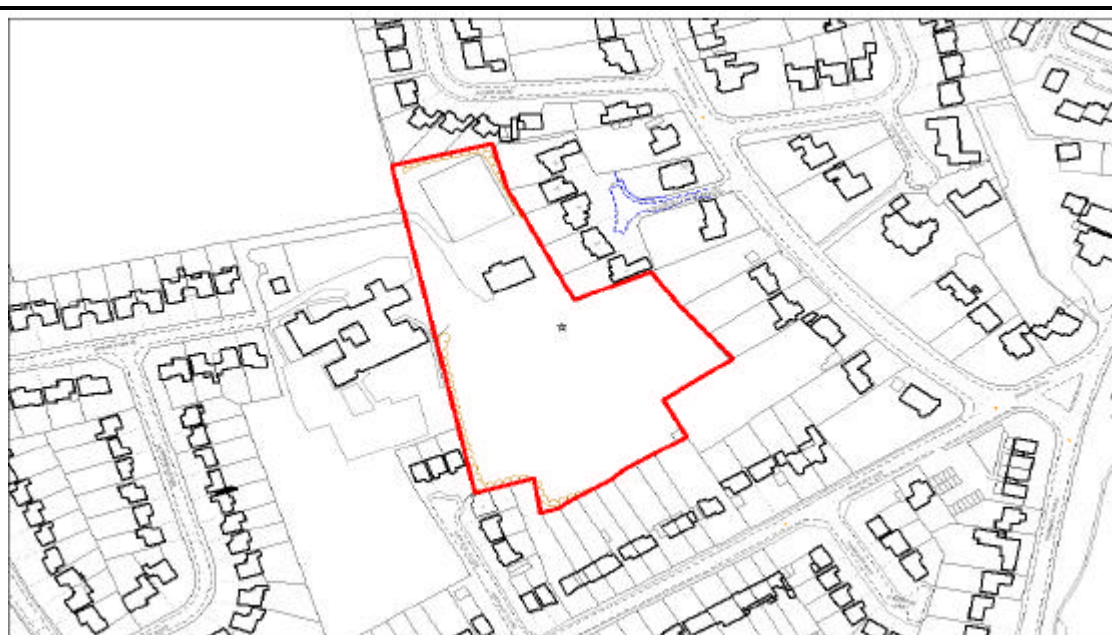
Proposal: Vary Condition 5 of
Planning Approval 05/1342/FL/E3 to
allow the floodlights surrounding the
Bowling Green to be operated between
the hours of 18:00 and 22:00
Tuesdays, Wednesday, Thursdays and
Fridays between April and September

Location: STREETLY SPORTS
CLUB, BRIAR AVENUE, WALSALL,

Ward: Streetly

Expired: 21/08/2007

Recommendation Summary: Grant Subject to conditions



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Application and Site Details

The site is located off Briar Avenue and accessed via the track running along the edge of Manor School, which lies south west of the application site. The main clubhouse is south east of the Bowling Green. To the north and east of the application site lie residential properties that back onto the site. There is screening to the north and east of the site with mature silver birch trees on the boundary. A wooden fence forms the boundary with the residential properties. North west of the site there is a playing field.

The bowling green is enclosed by a fence on the western and southern boundaries. The proposal is to extend the light operating times to 22.00 hours through April to September on bowling days, Tuesdays, Wednesdays, Thursdays and Fridays though only used as required.

The eight floodlights around the perimeter of the Bowling Green are mounted on galvanised steel lighting columns at a height of 6 metres and with an illumination of 400 watts each.

The light fittings are of asymmetric type and positioned to avoid light spillage and to direct light onto the Bowling Green.

Relevant Planning History

04/2642/FL/E3 was refused on 3 February 2003 on the following grounds:

The proposal to erect 12 floodlights at an intensity of 400 watts each around the perimeter of the site, in close proximity to the small residential rear gardens of those occupiers on Lingfield Close and Astor Road would result in an unacceptable degree of light pollution, reducing the level of amenity that can reasonably be expected to be enjoyed by those occupiers. Thus the proposal is contrary to Policy 3.6 of the Walsall Unitary Development Plan 1995, and Policies GP2, ENV12 and 3.49 of the Walsall Unitary Development Plan Review Revised Deposit Draft Plan March 2002.

05/1342/FL/E3 was approved at the 20/9/05 development control committee for 8-400watt floodlights around the bowling green with a condition restricting the use of the lights to between April- September from 18:00 till 21:00 hours on bowling days, Tuesdays, Wednesdays and Thursdays.

Relevant Planning Policy Summary *(Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website)*

Unitary Development Plan

Policy GP2 expects all development to make a positive contribution to the quality of the environment.

Policy ENV12 applications for development which involves significant external

lighting will not be permitted unless they propose the minimum amount of lighting necessary to achieve its purpose and minimise glare and light spillage from the site. Consideration must be given to the effect of the lighting on neighbouring land.

Policy ENV32 states that poorly designed development or proposals which fail to properly take into account of the context or surroundings will not be permitted, when assessing the quality of design the following will be taken into account, the appearance, height, scale, proportion, mass, materials and visual relationship of the proposed development.

Policy 3.116 states that good design should be a feature of all development.

Policy 3.49 advises that there is an increasing recognition of the problems caused by excessive or insensitive lighting schemes. The Policy seeks to reduce lighting to the minimum necessary and avoid, glare and light spillage.

Policy 8.5 states that the Council will seek to protect, enhance and expand facilities for sport and recreations, both formal and informal.

Policy 8.9 states that sport and recreation facilities make an important contribution to urban living by enabling people to enhance their health and fitness, have fun and socialise.

National Policy

Planning Policy Guidance Note17: Sport and Recreation

Paragraph 18 states that local authorities should seek opportunities to improve the value of existing facilities.

Paragraph 19 states that in considering applications for floodlighting, local authorities ensure that local amenity is protected.

Other Government Publications

The effectiveness of planning policy guidance on sport and recreation, May 4, 2001

Paragraph 13 Open space performs a wide range of roles in enhancing the liveability of cities, towns and rural villages. Protecting open space for its amenity, ecological, educational, social and community benefits are now well established principles among planning authorities and wider interests. The protection of open space is an important part of the *Urban Greening Initiative* and is consonant with the principles outlined in the *UK Sustainability Strategy*.

Paragraph 14. There is a need to ensure that where open space is protected it is also effectively managed, so that its benefits to local residents can be maximised.

Consultations

Transportation - No objections.

Pollution Control- No objections

Fire Officer - Satisfactory

Environmental Health and Consumer Services - No adverse comments.

Lighting Manager – No objections

Public Participation Responses

Four letters have been received concerning the proposal for the following grounds;

- a) Loss of privacy
- b) Already breached 9pm time by considerable time
- c) Should not have originally been given permission
- d) Lights shine directly into lounge/kitchen/bedroom and dining room
- e) Additional noise, disturbance and anti-social behaviour
- f) Visual appearance
- g) Why change from 9pm to later time
- h) Branch of tree in garden cut without notice

All letters of representation are available for inspection upon publication of this committee report.

Determining Issues

Impact on neighbours.

Observations

The previous planning applications considered the impact of the lights on neighbours and the visual appearance of the lights. The previous approval reduced the number of lights from 12 to 8 to address the concern of excessive lighting and the use of 8 lights was deemed acceptable.

The light fittings installed are designed to focus light onto the bowling green limiting light spill beyond the site boundaries and reduce 'sky glow'. The Council's lighting manager considered the lights acceptable and has assessed the current proposal and has no objections.

The current request to vary condition 5 of planning approval 05/1342/FL/E3 is to allow for flexibility so that games can be finished. The inclusion of Fridays is to allow for the ladies team to play.

The bowling club has already breached the 9pm curfew because a game over ran. The issue of a branch being cut from a tree in a neighbour's garden is not a planning issue as the tree does not benefit from a Tree Protection Order.

Recommendation: Grant Subject to conditions

The light fittings hereby approved shall only be used during the hours of 18:00 hours to 22:00 hours on Tuesdays, Wednesdays, Thursdays and Fridays during the summer months from April until the end of September. The lights shall not be used any time outside of the hours specified or on any other day of the week.

Reason: To control the hours of use of the lights in close proximity to residential properties.



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 29 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/1694/OL/E11
Application Type: Outline Application

Case Officer: Alison Deakin
Telephone Number: 01922
652487

Applicant: Walsall Teaching Primary
Care Trust

Agent: Drivers Jonas

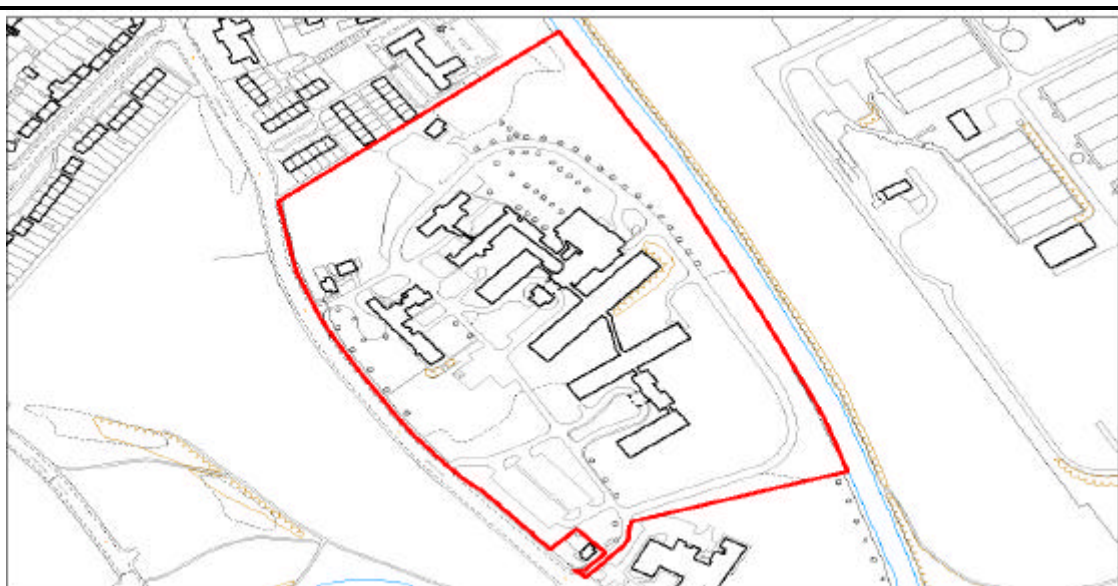
Proposal: Outline: Demolition of
existing hospital buildings and
redevelopment to provide new health and
social care buildings to include Dementia
and Palliative Care Units together with
access, associated hard and soft
landscaping

Location: Goscote Hospital
,Goscote Lane,

Ward: Blakenall

Expired: 05/11/2007

Recommendation Summary: Grant Permission Subject to conditions,
unless additional information is received which raises mater



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Application and Site Details

The proposal seeks outline planning permission for the demolition of some existing hospital buildings and redevelopment to provide new health and social care buildings to include Dementia Care and Palliative Care Units, together with access and associated hard and soft landscaping. Means of access is to be considered now which leaves detailed matters relating to the appearance, scale, layout and landscaping reserved for subsequent approval. The proposals include a master plan for development of the site and indicate the general philosophy behind a phased development.

The site is allocated in the Unitary Development Plan as a Major Developed Site within the Green Belt. The site is located on the eastern side of Goscote Lane and comprises a group of hospital buildings located within a mature landscaped setting enclosed by security fencing. The existing buildings occupy the centre of the site contained by the internal service road and comprise mixed age and design buildings, generally single storey structures, although there is a large 3 storey building facing Goscote Lane that was previously used as staff accommodation. There are two access and egress points along Goscote Lane plus one further unused access. There is a car park at the south west corner of the site facing Goscote Lane which is currently unused due to reduced operational activity on site.

The Wyrley & Essington Canal adjoins the eastern boundary of the site, an adult training centre adjoins the southern boundary, residential properties adjoin the northern boundary and there are open fields on the opposite side of Goscote Lane to the west. There is a Tree Preservation Order covering an area of trees in the north-west corner of the site near the Goscote Lane frontage.

The site is owned by Walsall Teaching Primary Care Trust and only two buildings remain in operation, which are Waldoc out of hours medical services and the Catering Production Unit (CPU). The existing uses operate 24 hours per day however, residential care is no longer provided on site.

The application site is 6.95 hectares. The indicative plan shows how the site could accommodate two new buildings for Palliative and Dementia Care, together with associated car parking, access and landscaping. The proposals would involve demolition of 10 of the existing buildings, retaining 3 buildings and a generator house on site. The proposed two new buildings would create approximately 5000m² floor space. The total site area occupied by the retained and proposed development would total 8,554m², representing an increase of 175m² or 2.1%. Development of the site in two phases is proposed, Phase 1 being the Dementia Care Unit and Phase 2 the Palliative Care Unit. The proposals have been designed to ensure minimal removal of trees, avoiding the area of trees protected by Tree Preservation Order, and include proposals for additional landscaping and planting.

Phase 1 Dementia Care Unit would involve demolition of the boiler house and five of the existing wards and related linkways and construction of the

Dementia Care Unit of approximately 3000m² of floorspace. This is to be constructed in the central part of the site and will include services such as longer term residence, respite, day services and intermediate care and assessment. A multi disciplinary team would function within and from the centre comprising mental health specialists, therapy staff and social care staff. The team would support those within the community as well as those using the centre's services at any given time.

Phase 2 Palliative Care Unit would involve demolition of two more wards and related linkways and the construction of a Palliative Care Unit approximately 2000m² of floorspace to the north of the Dementia Care Unit. The building would include facilities for up to 12 inpatients, approximately 20 day patients and would also provide outpatients services. Specialist nursing, complementary therapies and lymphoedema therapy would be provided alongside facilities and services for relatives and friends such as cancer information and counselling. The building would also have a volunteer's office and act as a base for charity and voluntary organisations.

The indicative Masterplan seeks to retain the existing access and egress points, provide car parking adjacent to new buildings, ensure minimum impact on existing trees and suggests a building design that respects the Green Belt location and surroundings.

In support of the application the following documents have been provided:

- Design and Access Statement
- Phase 1 Habitat Survey
- Transport Statement
- Flood Risk Assessment
- Geo-Environmental Assessment
- Arboricultural Survey
- Bat Survey
- Visual Impact Assessment
- Heritage Assessment
- Consultation Statement
- Bat Survey Report

Relevant Planning History

06/2190/ND/E11 – Request for a screening opinion as to whether an Environmental Impact Assessment is required for proposed health care development – Environmental Impact Assessment not required as the proposals are not likely to have a significant effect on the environment given the scale of existing and previous uses on the site.

07/0773/OL/E11- Outline planning application for the demolition of some existing buildings and redevelopment to provide new health and social care buildings together with access, parking and landscaping. Withdrawn 20/7/07

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from Planning Services Reception and on the Planning Services Website)

Unitary Development Plan

GP1: Development will be guided by principles of sustainability, minimising need to travel by car, maximising the re-use of vacant land and buildings without prejudice of beneficial use of adjoining land or buildings.

GP2: Development schemes should, as far as possible, help to improve the environment of the Borough whilst not allowing development that has an adverse impact.

GP7: Development is expected to design out crime and maintain good urban design.

3.3: The character and function of the Green Belt will continue to be safeguarded as part of the wider West Midlands Green Belt.

3.16: Development will be considered in relation to its setting, with reference to the character and quality of the existing local environment, and will require a high quality of built and landscape design.

3.21 and ENV1: Defines the purpose of the Green Belt.

ENV2: Allows limited infilling or redevelopment of major existing developed sites in accordance with policy ENV4.

ENV3: Identifies more detailed considerations for proposals in the Green Belt.

ENV4: allows for infilling or redevelopment of major developed sites in the Green Belt provided proposals have no greater impact than the existing development on the openness and purpose of the Green Belt.

ENV14: The Council encourages the reclamation and development of derelict and previously developed land wherever this is technically feasible.

ENV17: Planting will be promoted particularly in the following areas; streets, towns, transport corridors and derelict land.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows. Where developments are permitted which involve the loss of trees... developers will be required to minimise the loss and to provide appropriate planting of commensurate value.

ENV22: Development needs to demonstrate no adverse impact on species protected by European law.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV24: New development should maintain the integrity of wildlife corridors.

ENV32: Poorly designed development which fails to take account of the context or surroundings will not be permitted. Especially in town centre, visually prominent, adjacent to transport corridors including canals, railways, motorways and major roads. The quality of the proposal will assess appearance, height, proportion, scale, mass, materials, external space, safety, security and local character.

ENV33: Good landscape design is an integral part of urban design and the Council will require planning applications to be fully supported by details of external layout and landscape proposals.

3.113, 3.114 & 3.115: New development provides opportunities for high quality architectural and landscape design to contribute to the environmental and economic well-being of the Borough. Good design should respond positively and imaginatively to the context, in which development takes place,

discourage crime and increase safety and has a major role to play in the creation of an environment which is distinctive and creates a sense of place.

ENV39: The Council will encourage proposals for the development of renewable energy resources and for efficient use of energy.

ENV40: Proposals for development will be encouraged to incorporate measures for conservation of water resources such as the use of water efficient devices, the on site recycling of water (including grey water systems).

T7: All development should satisfy the car parking standards set out in Policy

T12: Encourages access by public transport.

T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment. Provision for Hospitals – 1 car park space per 4 staff and 1 space per 3 daily visitors and patients. 1 bike locker for every 10 car parking spaces. Taxi facilities.

LC9: The Council will expect all development alongside and near to canals to positively relate to the opportunity presented by the waterway, to achieve high standards of design, and to be sensitively integrated with the canal and any associated features.

Regional Spatial Strategy for the West Midlands was published in June 2004. This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses and to implement the strategy that all parts of the Region should meet their own needs sustainably.

National Policy

PPS1 Delivering Sustainable Development – promotes sustainable and inclusive patterns of urban and rural development.

PPG2 Green Belts – Seeks to protect against inappropriate development that is harmful to the Green Belt. Limited infilling or redevelopment of major developed sites that meets the criteria C3 & C4 in Annex C of PPG2 is not inappropriate development. Essentially development should have no greater impact than the existing development on the openness and purpose of the Green Belt, not exceed the height of existing buildings or occupy a larger area of the site than the existing buildings.

PPS9 Biodiversity & Geological Conservation – seeks to promote sustainable development, conserve, enhance and restore the diversity of England's wildlife and geology and contribute to rural renewal and urban renaissance.

PPS10 Planning for Sustainable Waste Management – Aims to protect human health and the environment by producing less waste and by using it as a resource wherever possible.

PPG13 Transport – Promotes sustainable patterns of development which reduce the need to travel, especially by car.

PPG14 Development on Unstable Land,

PPG15 Planning and the Historic Environment,

PPG16 Archaeology & Planning

PPS23 Planning and Pollution Control.

PPS24 Planning and Noise – Seeks to minimise the adverse impact of noise.

PPS25 Development and Flood Risk – Aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk from flooding.

Consultations

Transportation – No objection to the current proposal subject to the following conditions which relate to the access arrangements:

- The most northerly access shall be used for entry to the site only.
- There shall be no alterations to the proposed accesses, and they shall be used as stated within the Transport Assessment, to serve the remaining buildings and the proposed (PCC) Palliative Care Centre, and (DCU) Dementia Care Unit.
- There shall be no additional access to the highway, and no further extensions or development without an accompanying additional traffic related supporting Transport statement, and revised Travel Plan.
- A Travel Plan shall be submitted to promote sustainable methods of travel for trips to and from site by visitors and staff, as outlined in the Framework Travel Plan. The travel plan shall be submitted within six months of the completion of Phase One.

Pollution Control – No objections subject to conditions to ensure ground gas ingress prevention measures.

Strategic Policy – No objection in principle. Policy ENV4 of the Unitary Development Plan identifies Goscote Hospital as a Major Developed Site in the Green Belt. Redevelopment of the existing buildings is acceptable in principle provided that the new buildings do not exceed the height or footprint of the existing ones and the scheme will have no greater impact on the openness and character of the Green Belt. Although the new buildings would have a different configuration to the existing ones, they would occupy a similar footprint and are therefore consistent with the policy. The uses proposed are also the same as the existing lawful use. Area 7 on the Masterplan is identified as “future health related development zone”. This area is largely open at the present and any future development plans for this area would also be expected to comply with Policy ENV4 in terms of maintaining the openness of the Green Belt.

Consultation in line with what is required in the Statement of Community Involvement (SCI).

It is recommended that a condition is imposed requiring the applicant to provide details of proposed sustainable construction techniques, sustainable drainage, water recycling, natural ventilation/cooling and energy reduction/efficiency measures. A condition requiring the applicant to provide further information on the suitability of the materials for re-use on site and fate of the demolition waste is recommended.

Also support retention of the nurses' accommodation which contributes to the character of the area and appears to be suitable for conversion.

Ecology – To be updated on the Supplementary Paper

Landscape – No objections subject to conditions requiring submission of full details of planting and hard and soft landscaping and landscape management of the site.

Arboricultural Officer – No objection subject to conditions.

Urban Design – No objections. The design ethos behind the arrangement of the buildings and courtyards is welcomed. However, there are concerns that the open space at the east of the hospital buildings will remain open rather than secure, enclosed and overlooked if Phase 3 never comes forward. Also, the staff accommodation building at the front of the site is shown as being retained “temporarily” and its loss would be of concern given that it contributes to the historical character of the site and assists in creating a sense of arrival at the entrance.

Drainage – No objections.

Environment Agency – No objections subject to conditions. The supplied Flood Risk Assessment is considered to meet the requirements of PPS25 Development and Flood Risk. The proposed surface water drainage system for the site is acceptable in principle.

Natural England – No objections subject to measures concerning protected species being secured throughout the development process. Such measures include prior agreement of a method statement and mitigation strategy to protect bats, erection of fencing to protect species during the construction process, requirement for a water vole survey if any major earthworks or piling are proposed within 10m of the canal and submission and agreement of an ecological management plan.

Police Architectural Liaison Officer – No objection subject to conditions to improve site safety and security.

Inland Waterways Association – No objections. The site has an extensive frontage to the Wyrley & Essington Canal which is a historic waterway and a valuable amenity and recreational corridor. The proposals are satisfactory on the basis of the information provided.

Public Participation Response

None.

Determining Issues

- Principle of Redevelopment for Healthcare Use
- Impact on the Green Belt
- Means of Access
- Impact on Ecology
- Impact on Trees
- Sustainability

Observations

Principle of Redevelopment for Healthcare Use

The proposal involves demolition of existing hospital buildings and construction of two new buildings to be used for health and social care purposes. The proposed uses are considered appropriate given the existing site is used for healthcare services which are of similar character.

Impact on the Green Belt

Policy ENV4 of the Unitary Development Plan allocates the site as a Major Developed Site in the Green Belt. Redevelopment of the existing buildings is therefore acceptable in principle provided that the new buildings do not exceed the height or footprint of the existing buildings and have no greater impact on the openness and character of the Green Belt and the aims and objectives of Planning Policy Guidance 2. A Visual Impact Assessment has been submitted with the application that demonstrates the short and long term effects of the development proposals from surrounding viewpoints. It concludes that the impact on views from the canal towpath of the development would occur during construction but that once development is complete, it considers that short range views to the hospital site, from the canal and Goscote Lane would improve and wider views across the designated Green Belt and Open Space, there would be no change.

The new buildings increase floor space by 175m², only a 2.1% increase. However, this is considered not to be a significant increase in floor space and given the proposed location, orientation and proposed materials to be used for the replacement buildings, it is considered more sympathetic to the appearance of the site and character of the Green Belt than the existing buildings. The reserved matters application will allow further detailed assessment of the buildings and landscape. The new buildings would occupy a similar footprint to the existing and are considered not to have any adverse impact on the character or openness of the Green Belt and considered consistent with the policy.

Means of Access

There are presently three access points to the site off Goscote Lane, of which two are currently in use. The proposal seeks to utilise these and retain the one way circulatory access road within the site with entry only at the northern access, and exit only from the southern access. The design and access statement highlights that if further development occurs there will be a need to improve the existing central access (currently unused) to a two way route with improved alignment and to address the impact any potential future increase in

traffic would have on the southern site exit adjacent to the Adult Training Centre.

The requirements of the Transportation Officer can be met by conditions on any planning permission.

Any potential future development at the site that may result in additional access to the highway would require an additional supporting Transport Statement, and revised Travel Plan. This is recommended as a condition. A Travel Plan to be submitted to promote sustainable methods of travel for trips to and from site by visitors and staff, as outlined in the Framework Travel Plan is also recommended as a condition.

Impact on Ecology

The submitted Phase 1 Habitat Survey submitted identifies a wildlife protection zone and details of necessary mitigation measures to ensure wildlife is not affected by the construction process and the new development are also included and can be conditioned.

A bat survey has been provided that found no bat roosting activity during the survey that common pipistrelles were found to be using the site for commuting and foraging. The report recommends that a suitably qualified ecologist will need to be present to supervise removal of all roof structures during phase one of the proposed development and if bat roosts are found Natural England should be contacted immediately and their advice adhered to. Phase two of the proposed development will require a further survey in advance of commencement to maintain compliance with the regulations and ensure best practice.

The drawings show a 6m margin at the edge of the Wyrley & Essington Canal which adjoins the site boundary in order to protect the potential water vole habitat. It is considered that the development proposals would have no detrimental effects upon water voles.

Retention of mature trees on site and incorporation of native fruit trees, shrubs and plants which provide a good food source for birds, mammals and invertebrates should be incorporated into landscaped areas. A Nature Conservation Management Plan is recommended and works should be undertaken outside the bird nesting season.

Impact on Trees

The proposals involve the removal of some trees within the centre of the site adjacent to the buildings to be demolished. These are all within the boundary of the service road and are not protected by Tree Preservation Order. Other existing landscape features around the perimeter of the site are to be retained. The proposed landscape strategy offers opportunities for the enhancement of landscaping and additional tree planting to compensate for any loss and create a setting for the proposed buildings whilst screening them from a north easterly direction (the canal). The Arboricultural Survey

recommends conditions to ensure protection of retained trees throughout the development process including protective fencing, siting of services, hard surfacing and wildlife protection which can be conditioned. Although trees are to be removed it is considered that the proposal will not have an overall adverse impact on the setting and character of the site.

Sustainability

The proposal includes measures to promote sustainable travel and also sustainable building design. It takes into account opportunities to make optimum use of the existing developed areas of the site and to preserve existing natural assets.

The Transport Assessment highlights that there are a large and varied number of amenities and facilities accessible by walking, cycling and bus travel as there is a good surrounding footway network, a bus stop along the site frontage and links to a cycle network. A Framework Travel Plan has been provided that includes measures to reduce car trips to and from the site by staff and visitors such as walking, cycling, public transport and car sharing.

The submitted details include an environmental strategy for the design and massing of the proposed buildings that incorporates passive ventilation, overhanging eaves to prevent excessive solar gain, green tanks for recycling waste water, south facing rooms and a pond to provide cooling air and a wildlife habitat. It is also intended that new buildings will achieve an “excellent” Building Research Establishment Environmental Assessment Method (BREEAM) rating.

Conclusion

The redevelopment of the site for healthcare services is considered acceptable as it reflects the existing hospital use of the site. The proposals identified in the Masterplan show a phased redevelopment of this major developed site in the Green Belt and although the footprint of the proposed buildings are larger by 175m² it is considered that in this instance this has no greater impact than the existing development on the openness and purpose of the Green Belt as the proposed buildings would not exceed the height of existing buildings or occupy a larger area of the site than the existing buildings. The buildings will actually be concentrated in the centre of the site rather than disaggregated as they currently are. Opportunities are taken to promote sustainable travel and incorporate sustainable building design that will further minimise the impact of the redevelopment of the site on the environment.

Recommendation: Grant Permission Subject to conditions, unless additional information is received which raises mater

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country

Planning Act 1990.

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

3. This development shall not be commenced until details of the Appearance, Scale, Layout and Landscaping Reserved Matters have been submitted to and approved by the Local Planning Authority.

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

4. This development shall not be carried out other than in conformity with the following approved plans and documents: -

- Scale 1:2500 Goscote Hospital Site Plan received 06/08/07
- Scale 1:5000 Location Plan (Dwg. No. PL01-GOH) received 06/08/07
- Existing Site Plan (Dwg. No. PL02-GOH) received 06/08/07
- Phasing (Dwg. No. PL03-GOH) received 06/08/07
- Masterplan Phase 1 & Phase 2 (Dwg. No. PL04-GOH) received 06/08/07
- Masterplan Building Size Parameters (Dwg PL-05 GOH) received 06/08/07
- Masterplan (Dwg No. PL06-GOH) received 06/08/07
- Sections and Massing (Dwg. No. PL07-GOH) received 06/08/07
- Outline Landscape Proposals (Dwg. No. GOH/12.0) received 06/08/07
- 3D Massing 2 Phase received 06/08/07
- Planning Application: Supporting Statement prepared by Drivers Jonas received 06/08/07
- Visual Impact Assessment prepared by Drivers Jonas (0001-NH51077-NHR-RT-01) received 06/08/07
- Bat Survey Report prepared by Betts Ecology (CB5542/1943) received 06/08/07
- Goscote Hospital Heritage Assessment prepared by ECM Heritage received 06/08/07
- Arboricultural Survey Report prepared by Betts Ecology (CB5542/1520) received 06/08/07
- Extended Phase 1 Habitat Survey Report prepared by Betts Ecology (CB5542/1392/HAUD4) received 06/08/07
- Consultation Statement prepared by Drivers Jonas received 06/08/07
- Flood Risk Assessment prepared WSP received 06/08/07
- Geo-Environmental Assessment prepared by WSP received 06/08/07
- Transport Assessment prepared by WSP received 06/08/07
- Design & Access Statement prepared by Architects Design Partnership received 06/08/07

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions or the reserved matters may so require).

5. No built development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

6. No development shall commence on site until details of the disposal of both surface and foul water drainage, to include a scheme for the provision and implementation of a surface water run-off limitation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

7. No development shall be carried out until full details of existing and proposed levels of the site, access way and floor levels for the proposed buildings, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate this development. The development shall be carried out and retained in accordance with these approved details.

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

8. No built development shall commence on site until details of all boundary treatment have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the premises.

Reason: In the interests of securing the development.

9. No demolition, engineering, or construction works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 08.00 to 18.00 weekdays and 09.00 to 14.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside

of these permitted hours.

Reason: To protect the amenity of the surrounding residential occupiers.

10. Prior to built development commencing details of ground gas ingress prevention measures to be incorporated into the proposed structures shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being first brought into use.

Reason: To ensure the satisfactory development of the site.

11. The most northerly access shall be used for entrance to the site only and an appropriate scheme for signage shall be implemented prior to the buildings being brought into use in accordance with details which shall first be submitted to and agreed in writing by the Local Planning Authority. The access arrangement shall remain in accordance with the agreed details unless the Local Planning Authority agrees to any variation.

Reason: In the interests of highway safety.

12. There shall be no alterations to the proposed accesses, and they shall be used as stated within the Transport Assessment, to serve the remaining buildings and the proposed (PCC) Palliative Care Centre, and (DCU) Dementia Care Unit unless the Local Planning Authority agrees in writing to any variation. There shall also be no additional access to the highway, and no further extensions or development without prior submission of an accompanying additional traffic related supporting Transport Statement, and revised Travel Plan to be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

13. Within six months of Phase One of the development hereby permitted being brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and implemented that promotes sustainable methods of travel for trips to and from site by visitors and staff, as outlined in the Framework Travel Plan.

Reason: In the interests of highway safety and to promote sustainable travel alternatives.

14. Prior to commencement of the development details of sustainable construction techniques and re-use of suitable materials on site shall be

submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the agreed details.

Reason: In the interests of sustainability.

15. Prior to commencement of the development details of a scheme that incorporates controlled access to the site, designated parking areas, improved perimeter fencing, CCTV and defensive planting along the canal shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details and maintained throughout the life of the development unless the Local Planning Authority agrees to any variation in writing.

Reason: In the interests of safety and security to ensure the satisfactory development of the site.

16. Prior to the commencement of the development measures to safeguard protected species and wildlife habitats, as detailed in the submitted reports referred to under condition 4 of this approval, shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation. Such measures shall include a further bat survey for phase 2, protective fencing around the wildlife exclusion zone, protective fencing along the canal 6m water vole protection zone and works to be carried out outside the bird nesting season (March – August) or under the supervision of a suitably qualified ecologist.

Reason: To ensure the protection of wildlife and protected species on the site.

17. Prior to the commencement of the development a Nature Conservation Management Plan shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation.

Reason: To ensure the protection of wildlife and protected species on the site.

18. The demolition of the buildings should be supervised by a person suitably licensed, qualified and experienced in bat ecology and legislation. The person shall instruct personnel involved in the demolition of the building and be available to supervise the demolition of those parts of the building most likely to contain bats. In the event that bats are discovered, a person suitably licensed, qualified and experienced in bat ecology and legislation shall be available immediately to liaise with English Nature and take steps to ensure the necessary remedial steps to comply with the law.

Reason: In the interests of protecting any bats on site.

19. Prior to the commencement of the development detailed replacement planting proposals to mitigate for the loss of the existing trees and details of

tree protection to be implemented prior to demolition and construction in accordance with BS: 5837 2005 shall be submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation.

Reason: To ensure the satisfactory development of the site.

20. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been submitted to and agreed in writing with the Local Planning Authority. The landscaping scheme shall include full details and specifications of plant material together with detailed locations of the species proposed, full details of the management of the site and full details of hard landscaping. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

21. All planted and grassed areas and associated protective fencing shall be maintained for a period of 36 months from the full completion of the approved scheme. Within this period:

- (a) grassed areas shall be maintained in a tidy condition and any areas that fail to establish shall be reinstated;
- (b) planted areas shall be maintained in a tidy condition;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

22. Notwithstanding the submitted details, this approval does not grant permission for erection of any buildings or development of the area marked "Future Health related Development Zone" marked on the Masterplan drawing reference PL06-GOH received 06/08/07.

Reason: To define the permission.

23. The building sizes and siting shall be as set out in the Design and Access Statement prepared by Architects Design Partnership dated 11 April 2007, Master Plan drawing number PL06-GOH and Sections and Massing Drawing Number PL07-GOH received 06/08/07 unless otherwise agreed in writing by the Local Planning Authority and shall not exceed the following sizes: -

- Dementia Care Unit – 3000m² single storey
- Palliative Care Unit – 2000m² predominantly single storey with 500m² at first floor level

- Ridge height of new development not to exceed 10m

Reason: To define the permission.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP7, 3.3, 3.16, 3.21, ENV1, ENV2, ENV3, ENV4, ENV14, ENV17, ENV18, ENV22, ENV23, ENV24, ENV32, ENV33, 3.113, 3.114, 3.115, ENV39, ENV40, T7, T12, T13 and LC9 of Walsall's Unitary Development Plan and on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk

Condition 10 Note for applicant: *Construction specification drawings giving detail of the specification of the gas resistant membrane to be used, the method of installation, arrangements for sealing and treating any service entry points and method for treating cavity walls will be required.*



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 29 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Significant community interest

Application Number: 07/1463/FL/E6

Application Type: Full application

Applicant: Mr J. Riley

Proposal: Two Storey Detached Dwelling

Case Officer: Paul Hinton

Telephone Number: 01922 652420

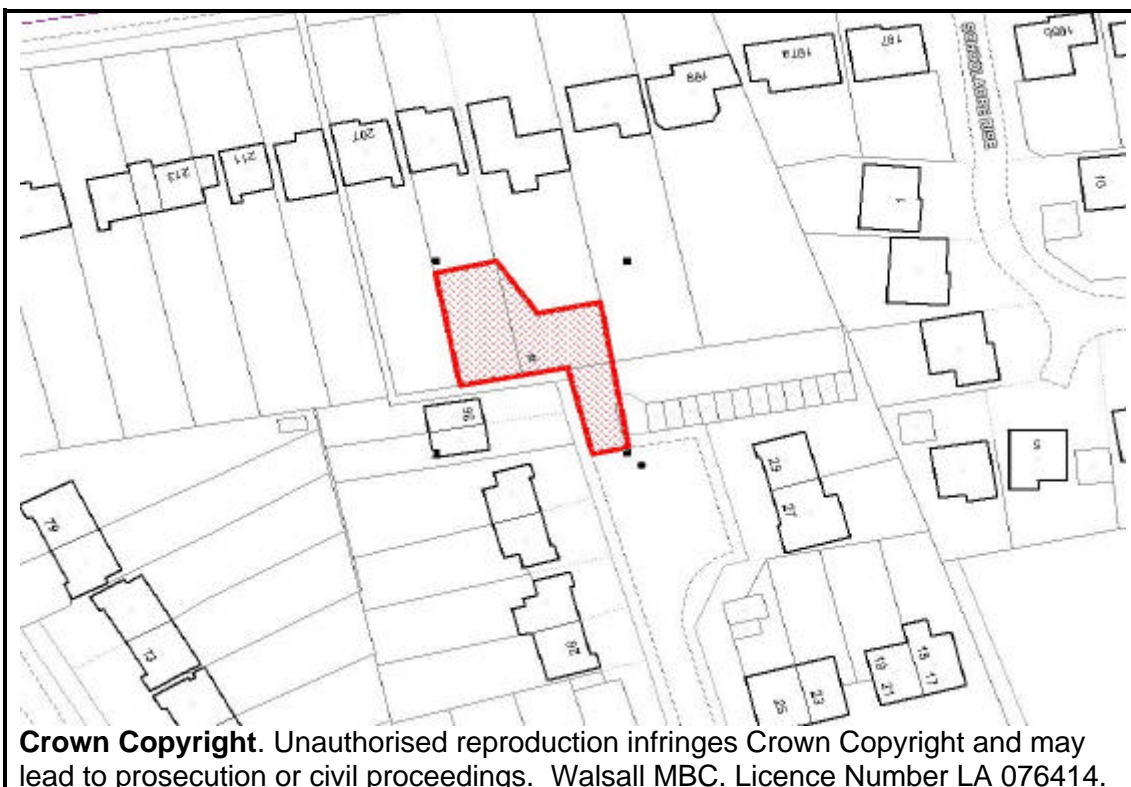
Agent: Alan Cox Design

Location: REAR OF
203/205, FOLEY ROAD
WEST, STREETLY, WALSALL

Expired: 10/09/2007

Ward: Streetly

Recommendation Summary: Grant Subject to conditions



Application and site details

This application seeks planning approval for the erection of a two storey dwelling on a plot of land currently forming part of the rear gardens of number 203 and 205 Foley Road West. The building would be erected at an angle to adjacent properties and would have its access onto Amberley Way by crossing a private hardsurfaced area used to access the adjacent private garage block. The hardsurfaced area and garages are owned by the applicant.

The proposed three bed dwelling would be 6.8m in height, with three dormer windows at first floor to both the front and rear elevations. A rear garden, 12.8m in length from the living room windows to the boundary fence with an area of 111m² is provided. Two parking spaces are shown to the side of the proposal.

The application site is surrounded by residential properties, with large detached properties of differing designs fronting Foley Road West. Amberley Way is characterised by semi-detached properties. A footpath connecting Amberley Way and Foley Road West runs to the front of the application site.

The properties in Amberley Way are at a higher ground level than those along Foley Road West, with the application site on a slope that falls in a northerly direction.

Relevant Planning history

BC62499P – Outline: One dormer bungalow. Refused in the grounds that the proposed would constitute backland development, out of character with the area having an inadequate site layout and size and would add to existing traffic problems in Amberley Way. 26/3/2001.

BC64145P –After representations hearing: Outline – 1 dormer bungalow. Granted subject to conditions. 27/9/2001

04/1998/FL/E1 – Variation of condition 1 of BC64145P to extend for 3 years. Granted subject to conditions. 9/11/2004.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from Planning Services Reception and Planning Services Website)

Unitary Development Plan

Paragraphs 2.1 and 2.2 state that the aims of the Plan include sustainable development, urban regeneration and environmental improvement, with action to include creating, sustaining and enhancing a high quality natural and built environment, including a high standard of design, and providing for the right number, type and distribution of new homes.

Policy 3.16 consider development in relation to its setting and the quality of the existing local environment, and will require a high quality of built and landscape design.

GP2: Environmental Protection

The Council will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

XII. The effect on woodland or individual trees on or near the site.

GP7: Development is expected to design out crime, through maximising surveillance of public areas, maximising defensible space, care in design and layout to avoid hiding places for criminals, measures to combat crime need to maintain good urban design.

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted, particularly in locations such as visually prominent sites, within or adjacent to transport corridors and areas with special character arising from the homogeneity of existing development in the neighbourhood. Detailed criteria are listed for consideration when assessing the quality of design of any development proposal including:- the appearance, materials height, proportion, scale and mass of the proposed buildings, the visual relationship of the proposal with adjacent areas, the street and the character of the surrounding neighbourhood, the effect on the local character of the area.

H10: Layout, Design and Dwelling Mix.

(a) The Council will expect the design of residential developments, including residential extensions, to:-

I. Create a high quality living environment, well integrated with surrounding land uses and local character (natural and built) and in accordance with the principles of good design set out in Policy ENV32.

(c) All proposals for residential development will be considered against the detailed standards and guidelines set out in the Council's Supplementary Planning Guidance and Supplementary Planning Documents relating to residential design.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 and 3 bedroom houses	2 spaces per unit
4 bedroom houses and above	3 spaces per unit

Residential Development Standards

These include guidelines relating to design and space around dwellings and the adoption of a 45 degree code.

Provision of space around dwellings provides adequate private amenity space and an acceptable level of privacy and daylight.

The Council will generally seek to achieve the provision of rear gardens with a minimum length of 12 metres for the area of the garden outside the main windows of the rear of the house and a minimum area of 68 square metres.

A minimum of 24 metres will usually be required between all facing windows of habitable rooms of adjacent dwellings.

Regional Spatial Strategy for the West Midlands was published in June 2004. This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses and to implement the strategy that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment

Policy QE1 - Environment

Overall, these seek improvements the design and sustainability of the urban areas.

National Policy

Planning Policy Statement 1: Creating Sustainable Communities a key principle is that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Planning should seek to maintain and improve the local environment. The general approach should be to enhance as well as protect landscape and townscape character. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Local planning authorities should not attempt to impose architectural styles or particular tastes.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes.

Paragraph 10 of the new PPS3 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. The specific outcomes that the planning system should deliver are:

1. High quality housing that is well-designed and built to a high standard.

2. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
3. A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
4. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
5. A flexible, responsive supply of land - managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

In considering high quality design, PPS3 (paragraph 16) guides that matters to consider for proposed development are:

- Is easily accessible and well-connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user-friendly.
- Provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.
- Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.
- Facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.
- Takes a design-led approach to the provision of car-parking space that is well-integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.
- Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.
- Provides for the retention or re-establishment of the biodiversity within residential environments.

Consultations

Transportation – no objections.

Pollution Control – no objections. Recommended condition relating to working hours.

Environmental Health and Consumer Services – no objection.

Tree Officer – no objections subject to appropriate landscaping condition.

Public Participation Representations

Eight letters have been received objecting to the application on the following grounds:

- A restrictive covenant exists that any dwelling would be nothing other than a dormer bungalow.
- Too close to rear boundary fence and boundary is not appropriate
- Would shadow garden of 203 Foley Road West and block morning light from 36 Amberley Way
- Would overlook adjacent residential properties
- There is no room for heavy vehicles to unload and for lifting crane to raise roof supports. The entrance to the garage block would be obstructed by builders' vehicles
- Children coming and going to school would have to pass site entrance and would be in danger of being hurt.
- Noise and dust pollution onto neighbouring properties and vehicles
- Impact upon house prices
- Has grown out of proportion with the original plan of a dormer bungalow with the height and length overwhelming adjacent properties
- Would be out of character with the area and is not in keeping with a small back garden development
- Increase in parking
- Impact on the users of the right of way and of the garages
- The proposal could lead to further developments

All letters of representation are available for inspection upon publication of this committee report.

Determining Issues

- principle of development
- the amenities of nearby residents
- parking and access

Observations

Principle of development

The principle of residential development was established by the approval of an outline planning permission for a dormer bungalow by committee in September 2001 (time limit for submission of reserved matters extended in November 2004). The outline planning approval remains live. Although this is a full application it needs to be assessed against that background.

The outline approval did not permit the layout of the site or the details of any building shown in the application, but established the principle of a dormer bungalow on the site and included conditions to provide a minimum of 21.5 metres between facing windows of habitable rooms and rear gardens with a minimum length of 13 metres.

This application has a footprint of 96m² compared to 91m² shown on the plans submitted with the outline permission.

Amenities of nearby residents

Adjacent occupiers object on the grounds of overlooking, shadowing, the height of the proposal and that the development would be out of character with the area. The principle of the dwelling has been established; the impact upon the character of the area was assessed as part of the original outline approval.

The residential development standards suggest that a minimum of 24 metres should be maintained between facing windows of habitable rooms of adjacent dwellings. The proposal is angled within the site so the windows do not directly face windows of adjacent properties. 21.5m separates the angled rear bedroom window of the application site from the nearest bedroom window of number 203 Foley Road East. This is the minimum distance stated as a condition in the outline approval and therefore meets the requirement previously established. The other rear windows of the proposal would be 25m from 205 Foley Road West.

At the end of Amberley Way at present is a wooden fence which forms the rear boundary to 203 and 205 Foley Road West. The proposal would create an end stop to Amberley Way, removing a plain fence and introducing an improved feature to the streetscene.

The front of the proposal would look up Amberley Way and would have no impact upon privacy of adjacent occupiers. The proposal would provide a level of activity and surveillance to the bottom of this cul-de-sac, which would bring security benefits to the garage block and adjacent footpath.

The proposal would cast a shadow, which would cover the rear part of the garden area of 203 Foley Road West for a period of the day during winter months, though this would not cover the whole garden area and it is considered that the amenity of the occupiers would not be affected to a level that would justify refusing the application.

The proposal would be 6.8m in height, which is lower than the properties in Amberley Way and although the ground level of the application site is higher than that of Foley Road West, the proposal would be no higher than the existing properties.

Parking and access

The applicant has provided two parking spaces to comply with the requirements of the UDP and shows a 600mm front boundary wall enabling intervisibility between the application site access, the access to 36 Amberley Way and the public footpath.

Other matters raised in representations received

The concern raised over the restrictive covenant is not a material consideration and would be a matter to be resolved between the interested parties. One letter of objection refers to no room for construction vehicles. This is not a reason to refuse the application. The letter also comments that the garage block would be obstructed with builders' vehicles, this again would not be a planning matter, however the garages are in the ownership of the applicant. Concern over safety of pedestrians passing the site during construction would be assessed under Health and Safety legislation which the contractors would be responsible.

Concern has been raised that approving this application could lead to further developments. Any future planning applications will be considered on their merit in accordance with the current guidance.

Noise and dust from development sites is inevitable. A condition is recommended to ensure working hours are controlled to reasonable times.

Recommendation: Grant Subject to conditions

1. This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. This development shall not be carried out until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

3. No development shall be carried out until full details of the proposed boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall thereafter be retained unless agreed in writing by the Local Planning Authority. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 or succeeding Orders, no fences, gates or walls other than those approved shall be erected without the prior submission and approval of a planning application.

Reason: In the interests of community safety, visual amenity and to safeguard the amenity of occupants of adjoining premises.

4. No development shall be carried out until a detailed landscaping scheme, including details for hard and soft surfacing for the site including the boundary shared with 203 Foley Road West has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought

into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to protect the amenity of adjoining occupiers.

5. Before the development is brought into use the car parking area shall have been hardsurfaced in tarmacadam or similar impervious material and retained thereafter.

Reason: To ensure the satisfactory provision of parking for proposed bungalow.

6. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no extensions or alterations to the dwelling or the erection of buildings within the curtilage of the site, as defined in Classes A to E of the Order, shall be constructed without the prior submission and approval of a planning application.

Reason: To ensure the Local Planning Authority has control over the development and in the interests of the occupiers of adjacent dwellings.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development without the prior approval of a planning application.

Reason: In the interests of maintaining the amenity of the occupiers of the adjoining dwellings.

8. Prior to commencement of the development, details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority and the works shall only be carried out in accordance with those details so approved.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

9. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall otherwise only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

Reason: To safeguard the amenities of nearby occupants

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies 3.16, GP2, GP7, ENV32, H10 and T13 of Walsall's Unitary Development Plan and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at www.walsall.gov.uk



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning and
Building Control, Regeneration
On 29 Aug 2007

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 07/1264/RM/W5

Application Type: Reserved Matters

Applicant:

Proposal: Proposed Residential Development
Comprising 7no House & 16 No Apartments &
Associated Works.

Ward: Willenhall South

Recommendation Summary: Approve Reserved Matters with Conditions

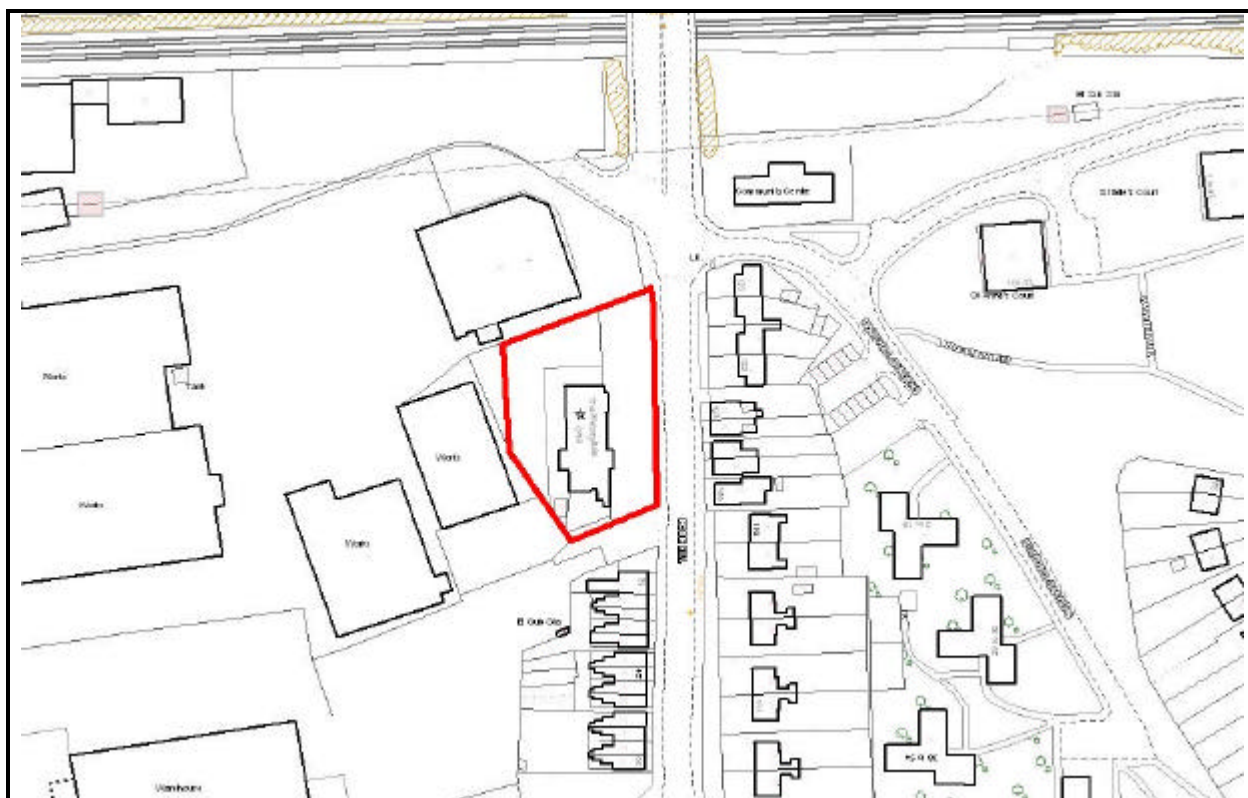
Case Officer: Karon Hulse

Telephone Number: 01922 652492

Agent:

Location: THE WATERGLADE P.H.
ROSE HILL ,ROSEHILL,WALSALL,

Expired: 07/08/2007



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Application and Site Details

This application seeks reserved matters approval following the grant of outline permission for the erection of dwellings on land at the former Waterglades Public House, Rose Hill, Willenhall. It seeks consent details required under a number of conditions and reserved matters for the design and landscaping of the site only, the siting, means of access and external appearance of the buildings having already been approved at the outline stage. This report focuses on those issues.

Access to the site is from Rose Hill. The site is on the edge of Willenhall town centre close to the main railway line between Walsall and Wolverhampton. The area is of mixed uses, residential to the south and east, industrial to the west (rear) and commercial properties of the town centre beginning on the other side of the railway line.

The scheme proposes a row of seven three storey terraced type townhouses (each four bedrooms) set back from the footpath along Rose Hill by 1.5 to 2.0 metres, this is in line with the character of the existing Victorian properties to the south of the site and replicates the illustrative drawings submitted at the outline stage.

Each townhouse has a private rear garden with access to designated parking spaces. Further communal parking is provided also at the rear for the apartments which is accessed under the proposed apartment block.

Relevant Planning History

05/1175/OL/W5 – Outline residential development for 7 townhouses and 16 apartments.
Grant Subject to Conditions 22nd March, 2006.

Relevant Planning Policy Summary

(Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website)

Unitary Development Plan

In general the UDP promotes good development, it seeks to create good residential environments.

2.1, 2.2 and GP1: Sustainable Location of Development - Development will be guided by the principles of sustainability.

GP2: Environmental Protection - Requires new development to contribute to the improvement of the environment.

GP7: Community Safety - Development is expected to design out crime whilst maintaining good urban design.

Para 3.113, 3.114 & 3.115 Seek good design and high quality architectural and landscape design to improve access, discourage crime and create a distinctive environment.

Para 3.16 The Council will consider development in relation to its setting.

ENV32: Design and Development Proposals - Poorly designed proposals which fail to take account of the context or surroundings will not be permitted.

H10: Layout, Design and Dwelling Mix - High quality living environment to be created, well integrated with surrounding land uses and local character.

Residential Development Standards (RDS)

These include guidelines relating to design and space around dwellings including garden dimensions, habitable room separation and boundary treatments.

Regional Spatial Strategy for the West Midlands was published in June 2004. This is now part of the Development Plan, with the UDP.

Policy UR1 - Urban Renaissance in the Major Urban Areas (MUA's)

Policy CF1 - Scale and range of new housing development

Policy QE1 - Environment

Overall, these seek improvements the design and sustainability of the urban areas.

National Policy

(PPG/PPS) - PPS1 on delivering sustainable development and good design and PPS3 SEEKS TO increase the design and environmental standards of new homes and neighbourhoods in order to move towards zero carbon development, deliver more affordable homes in rural and urban areas and support more family housing, including more play spaces, parks and gardens for children.

Other related documents are 'By Design' companion to PPG's, Urban Design Compendium, Safer Places, The Planning System and Crime Prevention and By Design - Urban Design in the Planning System: Towards Better Practice.

Consultations

Transportation Division – no objections

Pollution Control Division – no objections

Police Architectural Liaison Officer – no objections

Public Participation Responses

One letter of representation received from a resident opposite the site who raises similar concerns to the outline application namely concern for road safety, parking outside the development thereby reducing road width and potential problems with flooding.

Determining Issues

- Landscape and Design
- Conditions

Observations

Landscape and Design

The development has been purposely designed to both compliment and enhance the existing street scene. Siting the building at the back of footpath with small frontage fore gardens enclosed by hedge planting and appropriate boundary treatment will continue the character of the residential street along Rose Hill to the south.

The height of the development is similar to neighbouring Victorian properties, its presence within the streetscene will create a strong feature and gateway to the town centre when travelling along Rose Hill towards Willenhall town centre.

Whilst the development will clearly be new as opposed to the existing mix of Victorian, 1930's and 1960's style dwellings, its design will create a feature within that part of the existing street scene and particularly on one of the main approaches to the town centre.

Conditions

The range of submissions is listed in the recommendation. The proposed boundary treatment, landscaping, lighting, materials and surfacing are all consistent with the scheme and acceptable. Other submissions are also acceptable. There will need to be additional information submitted in respect of the ground investigations which can be addressed by way of an appropriate condition.

Recommendation: Approve Reserved Matters with Conditions

1. This decision approves reserved matters 2 a) the design of the buildings and 2 b) the landscaping of the site and other matters submitted under the following conditions as set out and defined by the outline planning permission 05/1175/OL/W5, dated 22nd March, 2006 :-

4. full details of the proposed boundary treatment of the site.
5. detailed landscaping scheme
7. scheme for external lighting
8. levels
9. schedule of facing materials
11. details of proposed surfacing materials and means of surface water drainage
14. a protocol to ensure that the immediately surrounding highways are not adversely affect by the accidental deposition of materials
15. scheme of drainage works for the disposal of surface water and foul sewerage

Reason : To define the permission.

2. Notwithstanding the above, no development shall be commenced until a scheme for security gates across the entrance to the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall also be acceptable to the Fire Service and include details of any opening / closing mechanism. The approved scheme shall be fully implemented and operational prior to any first occupation of the site and thereafter retained in good working order.

Reason : To ensure the satisfactory appearance, safety, security and functioning of the development.

3. Notwithstanding the above, further information regarding the ground investigation and as set out in section 10 (page 20) of the submitted report, is required to be submitted to and approved in writing prior to any built development commencing on the site. The approved details shall be fully implemented prior to first occupation of any unit.

Reason : To ensure the satisfactory development of the site.
